

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
SEPTEMBER 21, 2004**

Meeting was called to order at 6:00 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Vice Mayor Dean J. Trantalis
Commissioner Cindi Hutchinson
Commissioner Carlton Moore (arrived at 6:05 p.m.)
Mayor Jim Naugle

Absent: None

Also Present: City Manager George Gretsas
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Martin

Invocation was offered by Reverend David Mesenbring, Seafarer's House, followed by the recitation of the Pledge of Allegiance.

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson that the agenda for the September 21, 2004 meeting be approved. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Presentations

OB

1. International Association of Firefighters Week

Vice Mayor Trantalis proceeded to present a proclamation proclaiming the International Association of Firefighters Week from August 30, 2004 through September 6, 2004. He presented the proclamation to Jessica Roof, District Director of the Broward Chapter of the Muscular Dystrophy Association, and Riley Paine, Fort Lauderdale Fire Department Representative of the International Association of Firefighters.

Ms. Roof thanked the City Firefighters for everything that they do for the City's residents and children who have muscular dystrophy. She announced that on Labor Day Weekend firefighters hit the streets to collect funds for these children and due to the hurricane this year, they were unable to do that, but would be doing it in the near future. She asked for everyone to support their efforts.

Commissioner Moore entered the meeting at approximately 6:05 p.m.

2. "WOW" Award

Commissioner Moore proceeded to present the "WOW" Award to Rick and Gwen Tucker who reside at 1113 NW 10th Avenue in Lauderdale Manors in regard to the transformation of their home. When they first moved into their home in August, 1992, the property had been used as a crack house, and through hard work they made extensive improvements to their home.

Mrs. Tucker thanked the Commission for letting them represent the City, and for honoring them with this award.

3. Walk from Obesity

Commissioner Hutchinson stated that the American Society of Bariatric Surgery was going to host a "Walk for Obesity" on October 23, 2004. She proceeded to present the proclamation to Mitchell Katz.

Mitchell Katz stated that surgery is not the only option; the walk is about awareness that obesity is the fastest growing disease, and is predicted to overcome smoking. He stated that the insurance companies and the government need to recognize that there is a problem and something needs to be done. He encouraged everyone to come and walk on October 23, 2004 at Riverwalk.

Mayor Naugle stated that the City Attorney had some items which required deferral.

The City Attorney stated that four items on the agenda need to be deferred which were M-33 – Proposed Expansion of First Baptist Church; PH-2 – Historic Designation of the Tiffany House; R-1 – Site Plan for Strand Towers 1 & 2; and R-8 – Amendment to Note on Brickell Redevelopment Plat.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer Item M-33 until October 5, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer Item PH-2 until October 19, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to defer Items R-1 and R-8 until October 19, 2004 at 6:00 p.m.

Mayor Naugle stated that many residents had called about these two items, and a lot of preparation had been done to hear those items this evening. He reiterated that he would prefer hearing those items this evening, but a request had been made to defer R-1 and R-8.

Vice Mayor Trantalis asked what the reason was for the request for a deferral.

Robert Lochrie, attorney on behalf of the applicant, apologized for the delay and request for a deferral. He explained they were asking for a deferral because several agreements were being reviewed and going through the City's process, and they wanted to include the agreements with the application so everything could be addressed at one time.

Commissioner Hutchinson stated that she had not yet had the opportunity to meet with the developer in order to fine tune the project, and would request some additional time to do so.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Fiscal Year 2004/2005 Budget

(PH-A)

Mayor Naugle announced that this was the second of two public hearings to be held as required by law on the millage rate and the City of Fort Lauderdale budget for fiscal year 2004/2005. The purpose of the hearing is to receive requests and comments regarding the City's budget and tax levy, and to explain the budget and any amendments thereto.

Steven Chapman, Assistant Director of Finance, stated that this hearing allowed public input to the budgeting process and for setting the proposed millage rate, which would eventually be the adopted millage rate. He stated that currently the millage rate had been set at a total level of 5.7698 mills, which included Operating and Debt Service. He stated the operating portion is 5.4066 mills. This generates a total General Fund budget of \$245,060,847. He referred the Commission to Exhibit 1-A which was a breakdown based on department funding. He then referred the Commission to Memorandum 0413-51 which had an attachment 1-A-1 providing a breakdown on the reorganized departments.

Mr. Chapman stated that the City is carrying forward \$218,700 in monies that would not be spent in the current fiscal year (2003/2004). He continued stating that there is a reduction from the \$125 fire assessment fee on the July 20, 2004 budget message, down to \$94. He thanked the Commission and staff for putting the budget together.

The City Manager stated that he had discussed the Bike Coordinator position with the Commission, and asked Phil Thornburg to provide some further detail.

Phil Thornburg, Acting Director of Parks and Recreation, stated that staff had spoken with the State regarding the Bike Coordinator position, and they committed to this year, but the City would owe \$3,000 next year. He advised that the State was putting \$67,200 toward the position, and in year three the City would pay \$16,800, and the State would pay \$53,400. In year four, the City would cover all labor costs which would be \$53,400. He advised that after the 4th year the City would have to totally fund the position.

The City Manager stated that if it was the desire of the Commission, then such position would be added back into the budget, as long as there is a commitment for the remaining time frame.

Commissioner Teel asked if after year four, the City would be committed to a certain number of years. Mr. Thornburg stated it would be a funded position, and if the City did not want to retain it, they could decide to eliminate it later on. There are no specific time commitments required by the State.

Mayor Naugle stated that yesterday afternoon he began getting phone calls and he believed it was due to a news service that listened to radio scanners which was hired by various TV stations and newspapers, and apparently a page had been received that he was putting together a proposal to turn over the Fort Lauderdale Police Department to the Broward County Sheriff's Office. He advised that had been the first he had heard the rumor. He stated that he would have preferred for the company to call him directly for information. He announced that he never had a plan or intended to bring one forward to turn over the City Police Department to the Sheriff's Office. He stated further that he resented such a rumor. It was his understanding that the former Acting City Manager had a plan and wanted to present it, but he was doing so as a citizen.

Vice Mayor Trantalis stated that they had received a lot of calls from the media, and he wanted to say to the individuals who served the City in the Police Department that they should never feel that the Commission ever intended to diminish or intimidate them. He reiterated that they depend on them, and he wanted to apologize for anything that might have taken place over the last 24 hours. He thanked them for their hard work and efforts, and reiterated that this should never be a consideration on the part of the Commission.

Pat Mayo stated that on Channel 6 this morning a report was given that the former Acting City Manager had e-mailed the Commission regarding the proposed takeover of the City Police Department by the Sheriff's Office, and saving \$15 million. She appreciated the fact that the Mayor had acknowledged that this was not a plan to be considered, but in case this ever became a plan she wanted to make some comments. She announced that she had lived in her house for 32 years, and for 28 of those years she had the Sheriff's Office maintaining their security personnel and she reiterated that it had been deplorable. She further stated that when they had been solicited for annexation, there had been two things that sold the residents on the annexation, the City's Fire and Police Departments, and the wall on 62nd Street. She stated that she now has police cars frequenting their neighborhood making the residents feel safe. She reiterated that the only thing she got out of her tax dollars is police protection, and it is the identity of the City. She stated they worked too hard and are under paid, but they should never be taken away.

Vice Mayor Trantalis stated that the evening discussion was now going to be consumed with an issue that no one favors, and they are not going to give the proper attention to the budget. He urged the residents not to speak about an issue that is not a consideration, and asked the residents to please focus on the issues in the budget.

Sherry Marcopolis, South Middle River Civic Association, stated that they depended daily on the police force. Last year, she stated at the Commission meeting that she would gladly pay an increase in taxes provided they were receiving good police protection. She stated they had to team with the police for one year to maintain status quo, and to hear about trading the police for an organization currently being investigated by the State was not acceptable. She reiterated that Mr. Silva was going to make his presentation and proposal, and therefore, she felt it was imperative that the Commission

know that the residents are not in favor of eliminating the Police Department for the BSO.

Commissioner Moore stated that Mr. Silva is a citizen of this City and he has a right to his opinion, and such opinion is written in the form of a memorandum, and in listening to comments from individuals tonight there is no support for such a recommendation.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis that the Commission of the City of Fort Lauderdale, Florida, is not considering any contractual obligations or deferment of their Police Department for any services with any other governmental entity.

Commissioner Moore suggested that if any other individuals wanted to comment on the issue regarding the Police Department that they state they wanted to keep the Police Department, and therefore, discussion could center on other issues this evening that are important and vital to the budget.

Commissioner Hutchinson stated that if this was such a great opportunity to save tax dollars, then why had not the proposal been made in the 10 months that Mr. Silva served the City. She reiterated that this matter came up on the heels of the budget meeting, and now they are once again in chaos. She stated that she was tired of being in chaos because they had done so for the past year. She stated that Mr. Silva had done a good job crunching numbers when he worked for the City, but she quoted from his recent memo as follows: "There's an old adage that the journey of a 1,000 miles starts with but a single step." She stated if this was such a great plan, then he, as the leader for over 10 months, should have taken the opportunity to make the single phone call. To proceed on assumptions, from data pulled off an internet data base, she could not assume the City would save the money. She remarked that it had been assumptions which put them in the place they are at now. She remarked there had been discussions in July that it is irresponsible for the City to budget on future dollars that they have not yet realized.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Roxanne Habrick wanted to comment about the negative impact that would occur if the position of Park Manager at Snyder Park was eliminated from the budget. She stated they enjoy having a local park, along with its amenities, but Snyder Park is more than what most parks offer. She advised that their Girl Scout Troop met at Snyder Park and they offered services back to the park. She organized safety days for 5 years using this park. She reiterated that Snyder Park is the only park where she could put her canoeing certification to use. She also took advantage of the Bark Park. She advised that children are participating in the parks "pedal power" which is a program where they earn a bicycle through community service hours. She stated that the park holds various educational events throughout the year. All the programs and services exist at that park because it was properly maintained and supervised by a Park Manager. She believed if the Manager was not present to coordinate the schedules, maintenance, events, and daily administration of such services they would cease to exist.

Father Robert O'Connell, Oakland Park, stated that he was worried about losing the police force, and he wanted to thank the Commission for making the clarification.

Susan Hargraves stated that she is the Humane Education Specialist for the Wildlife Care Center, and she wanted to address the issue regarding the deletion of the position of Park Manager. She stated that their Center does a lot of work with Snyder Park in partnership with the Park Manager. She reiterated that many events and programs are held, and the Manager had been kind enough to waive the fees in the past so all children could attend. She urged the Commission to not delete this position.

Tony Pinto stated that he wanted to speak briefly about two issues regarding the budget. He stated he was glad to know that the new City Manager had negotiated to include 6 additional police positions in the budget. He believed it was time to rebuild the police force, and not tear it down. He thanked the Commission for this consideration, and he wished they could go back to previous levels of service. He stated that during Hurricane Frances many gangs were out attempting to loot properties, and if it was not for the Police Department, they would have been in dire straits. He reiterated that the City had a premium Police Department and it should continue to grow and not be diminished.

Mr. Pinto further stated that last year he had stated it was important for the City to bear in mind that safety was the #1 call. He stressed that he wanted to see more dollars assigned to that portion of the budget. He further stated that they had a serious problem with the BSO, and he was glad the Commission was not going to consider such a proposal. He believed the organization is corrupt.

Mark Feinberg stated that he works as a Finance Director for a large company in the city and has been a resident for over 26 years. He stated he does not want to criticize any cuts being made or ask for any increased spending. He is unhappy with the proposed increases, and he understood the City was in a budget crisis at this time, but he did not think the tax increases were the last measure that should be taken. In regard to the affordability the increase, he reiterated that his taxes last year had been \$4,575 for a 1,000 sq. ft. apartment, and this year the taxes were to be reduced to \$4,100, but instead they are being increased to \$4,900. He reiterated that this is added on to the 70% increase in energy prices, a 40% increase in windstorm insurance coverage which would probably increase about 50% next year due to all the hurricanes, a 20% increase for health care, a rise in interest rates, a 3% increase in consumer prices, with only a 2.5% increase in wages. He felt this increase is not affordable for many residents.

Mr. Feinberg suggested that the City attempt to cut expenses more. He stated if this was a large corporation and expenses could not be met, they would reorganize and some individuals would lose their jobs, others might pay more for insurance benefits, and pension costs might be reduced. In addition, he felt cutbacks should be made regarding projects. He asked for the Commission to reconsider the millage increase, and to invest and save more and make the City a better place to live.

Commissioner Moore left the meeting at approximately 6:48 p.m.

Alan Silva stated that during the past week, he had spoken with various individuals and groups who had indicated the negative impact of tax increases. They had asked if the rate could be decreased, and if so, what service impact there would be for such a reduction. He reiterated that many people were not homesteaded and elderly individuals could not afford such increases. He explained that reducing the budget here and there in minimal amounts would not yield the \$11 million necessary to maintain the current tax rate. He has been trying to provide options to individuals who thought the increase was

too high. There are ways to cut the tax rate without cutting services. He stated it might not be for this year or next year, but the facts speak for themselves and that between \$15 and \$19.7 million could be saved, but a public policy decision would have to be made. The Commission are the people that have to make such decisions. He felt that sooner or later everyone has to understand that the current collective bargaining agreement which exists has pension, overtime and longevity impacts that would be unsustainable over the long term. He further stated that possibly going to BSO would be something that would not be done now or at any time, but it deserves a public airing as to potential savings. He explained this has been researched based on requests from various individuals as to how this could happen. He stated that there has been no plan and he has not spoken with anyone in the Sheriff's Office.

Commissioner Moore returned to the meeting at approximately 6:50 p.m.

Mr. Silva stated that this would probably not have been done to impact this tax year because it would require time to phase in. He reiterated that it would have been a way to reduce the tax rate, and put forward a public policy discussion regarding policing.

Calwin White stated that he is here on behalf of Nestle Purina in regard to the position of Park Manager at Snyder Park.

Vice Mayor Trantalis left the meeting at approximately 6:51 p.m.

Mr. White stated that Nestle Purina is one of the sponsors at Snyder Bark Park, and other parks throughout the country. They have become aware of the difference between parks which have an on-site manager and those that do not. They have withdrawn their sponsorship for several of the parks which do not have such a person. He reiterated that Snyder Park is a model park. He hoped the Commission would reconsider maintaining this position.

Alan Stotsky stated that he represents the Fort Lauderdale Apartment Owners Association, which manages about 5,000 apartments in the City. He stated that tonight is the Commission's last opportunity to resist raising taxes and do the right thing. He asked the Commission to stop spending money, correct their past mistakes, and make the City's financial condition sound. He suggested that they get their spending in line with revenues before raising taxes, and then they might not have to increase the taxes by 24%. He stated that the scope of the increase is hard to comprehend.

Vice Mayor Trantalis returned to the meeting at approximately 6:53 p.m.

Mr. Stotsky reiterated that first there is an increase in the valuation by the County, an increase in water and sewer fees, trash, fire fees, and the forthcoming fire bond. He stated now there is discussion that FPL wants to increase their emergency fund, along with possible future increases in wind insurance. He stated that renters would not be able to pick up the tax increase for property owners because rents would have to be raised between \$35 to \$40 and the elderly could not afford it. He reiterated that affordable housing would cease to exist for renters and retirees. He asked for the Commission to save the City and vote down the increase.

Jim Stevens stated that on September 13, 2004, he saw a budget being presented that showed an increase in excess of 20%, and he had met with staff to seek further

clarification. He stated that for 5 years or more, the City had increased the budget and taxes many times the normal inflation rate. He explained that inflation has been running 1.6% to 2.3% per year, and the increases in the budget over the last 5 years have been 5-7 times the inflation rate. He added that this increase being reviewed tonight is 21 times the inflation rate. The City is requesting \$42 million more to spend than what they had last year. He explained that the CPI projected for 2005 is 1.9%. He stated that he did not think the City has an income problem, but a spending problem.

Mr. Stevens quoted Yogi Bear as follows: "If history repeats itself, I should think we're going to see the same thing again." His research has shown him that the City's tax base is almost identical to Miami's tax base, and Miami is a much larger city. He further stated that Fort Lauderdale's tax base is now larger than Tampa's tax base, which also is a larger city. He added that an average employee's salary in the City, including benefits, is \$83,000, but an average citizen makes only \$40,000. He asked the Commission to suggest a more appropriate increase, and not to pass the proposed budget.

Elle Brickmeyer stated that she has been a resident of the City since 1957 and she has seen the City grow. Her interest is safety. She reiterated that the City has invested a lot of time and effort into a piece of land known as Snyder Park, and since proper management was at this park the facility has grown. She stated that the park is very diverse and would go "down the tubes" without a full time manager.

Les Hollingsworth stated that this is one of the greatest cities in the world. He was glad that the Commission had voted to keep the police force whole, and he reiterated how they knew the residents individually. He stated the City has a perfect organization and it is getting better every day, and he is proud to spend the extra \$41 per day in order to have such a great police force.

A (unidentified) resident stated that she had been involved in the project to widen SW 4th Avenue which had impacted Snyder Park. She stated that project had been successful due to the help from the Park Manager.

John Labendera, Palm Aire resident, stated that he wanted to thank the Commission for not considering switching to the BSO. He further stated that his trust as a homeowner and police officer in this City rests with the Police Department. He stated that he and his colleagues had bled, sweat, and shed tears, and many had died defending this City while proudly wearing the patch saying "Fort Lauderdale." He reiterated that it is not just about the money, but about doing the right thing and doing it now before any tragic mistakes were made. He stressed that the police protect the City every day, and he asked for the residents to protect them now and in the near future, and further down the road.

Dennis Cole stated that he wanted to speak in regard to the proposed property tax. He explained that he had moved here from California; he is a real estate agent and broker. He believed the increase would destroy the Realtors Association, along with the homeowners. He reiterated that every time there is a budget problem, it falls back on the property owner. All this has to stop somewhere. He explained that in California they had Proposition 13 which stopped such high increases.

Mary Kirshoff stated that she is speaking on behalf of "Friends of Bark Park." She stated that many individuals have spoken regarding rescinding the recommendation to

eliminate the Manager's position at Snyder Park. She explained that Snyder Park appeals to a broad spectrum of constituents. She stated that Nestle Purina had provided a lot of money to the park for capital improvements. She distributed letters from the Dog Club of Fort Lauderdale, as well as the Humane Society of Broward County, regarding the park. She reiterated that the AKC affiliate and the Premier Rescue Association agreed on the quality of this park. Many residents have spoken, stating that this management position needs to be retained. She asked how could the wide array of programs at this park continue without the support and guidance of a full-time Park Manager.

Ms. Kirshoff stated that they are concerned about the enhanced risks and liability that would be involved regarding services impacting Bark Park and all of the 93 acres because there is a broad array of opportunities for problems. She further stated that last week Commissioner Moore stated that he did not want to focus on the person but wanted to focus on the position. She was not aware of any comprehensive study that had been done regarding elimination of such a position, and no recommendation had been made by staff to that effect. She reiterated that it appears to be a decision of one person, the former Acting City Manager, who disregarded recommendations from two departments as to how to handle a particular situation. She stated they have demoted the Park Manager and used it as an opportunity to eliminate the position. The cost savings are not an accurate reflection because salary dollars are being used to fund a different position. She further recommended that the Parks Department review the situation, and see if there are other considerations that could be made to reach the proposed budget numbers. She hoped the Commission would consider an alternative recommendation.

Tom Mangifesta stated that this budget for all practical purposes is the product of Alan Silva when he was the Acting City Manager. It was presented in April, 2004, and described as a "bare bones budget." In his executive summary, Mr. Silva had stated "the impact of the millage will be significant, but affordable to the taxpayers of Fort Lauderdale to guarantee fiscal stability. The work force base had been dramatically reduced, and further reductions will impact service quality and the existence of certain service programs. The unfortunate truth is we need to pay for fiscal stability and the services we receive." He further stated that the new City Manager had made some reductions in the budget. He proceeded to thank the Commission for the action they took in putting to rest the discussion regarding subcontracting with an organization that could not come close to matching the professionalism, tenacity and dedication of the Fort Lauderdale police officers. He thanked all the police officers who came to tonight's meeting, along with the citizens who came out and supported the Police Department. He suggested that the Commission pass the budget as presented by the new City Manager so they could move forward and rebuild the City.

Commissioner Hutchinson left the meeting at approximately 7:14 p.m.

Carol Strand stated that they purchased a home in 1972 which had been built in 1947, and they had hoped to continue living there, but if the tax increase is adopted they would be forced to sell it. She stated the taxes are beyond what could be handled in their retirement. She asked the Commission to lower the tax rate.

Julia Horn stated that the last few years had been a real eye opener for all the citizens of the City, and everyone had learned about spending habits. She stated there is a cost of

doing business. She stated that 15 years ago one could not give away property in this City, but the parks and waterways were improved, along with an increase in economic development. She stated that the City now offers a wide array of dwelling units and it is a great place to live. She agreed with the tax increase and stated it might mean one less delivered pizza to her home a month, but she urged the Commission to pass the budget as proposed this evening.

Andrew Roberts stated that he represents the Tradewinds Foundation which is a non-profit organization that operates learning programs for children with special needs. He stated that in his job he works with various city employees and park directors throughout South Florida. One of their programs is "Hooked on Fishing – Not on Drugs." He stated that he had approached Snyder Park 3 years ago about this program, and they had welcomed them with a very smooth transition enabling them to enlarge this program in the City of Fort Lauderdale faster than anywhere else. He reiterated that he had run into problems with the County parks, and felt there needed to be continuity in these programs which is displayed at Snyder Park. He reiterated that Snyder Park is a gem and he wanted it preserved for the future of all children in the community.

Susan Peterson, River Oaks, stated that she had been the originator of the Toxic Reduction Education Committee. She stated they had worked with parks since 1997 in an attempt to reduce the use of toxic pesticides in the parks.

Commissioner Hutchinson returned to the meeting at approximately 7:19 p.m.

Ms. Peterson continued that in certain cities some of the Park Managers have been very resistant to learning about health affects from the pesticides. She stated that she has a list of horticultural chemicals and distributed a letter to the Commission asking them if they would knowingly expose children to arsenic or other cancer causing chemicals in their play areas. The answer was "of course not." She continued, stating that MSMA is on the list that Parks and Recreation recommended for purchase. She explained that it is an arsenic compound, along with 24D which is known to be a cause of Hodgekins Lymphoma which is also on the list. She felt they need to continue to work together and eliminate the use of such chemicals in the park, and by doing that 25% could be cut from the budget.

Dick St. John thanked the Commission for retaining the Police Department and the Fire-Rescue Department.

Commissioner Moore left the meeting at approximately 7:22 p.m.

Mr. St. John continued stating that he hoped the fire increase would be minimal and possibly they could improve the equipment, but not the buildings. He stated it is outrageous to hear that \$83,000 is an average salary of a City employee.

Mayor Naugle advised that the salary includes benefits. Mr. St. John stated that it was his understanding that they kept about 80% of their benefits upon retirement, and he felt if the City looked at such increases yearly, they could be limited. He reiterated that his greatest concern is the outrageous cost and expense to beautify the City. He urged the Commission to assess such costs before raising the taxes 24%. He hoped the Commission is listening to the public tonight and would reconsider the increase.

Pat Mayers, Victoria Park, stated that she had been a crime fighter for many years and thanked the Commission for preserving the great Fort Lauderdale Police Department. She stated they are one of the best agencies in the country. She also proceeded to welcome Mr. Gretsas.

Commissioner Moore returned to the meeting at approximately 7:26 p.m.

Eric Rais stated that he works for Big Wheel Bicycles, and they worked with Snyder Park over the past 2-3 years regarding their Bicycle Program, and he felt it is a great resource for the City to maintain the position of Park Manager. He stated that new families moving into the City are looking for a place for family activities and places to take their dogs. He urged the Commission to retain the position of Park Manager, along with 1-2 other positions.

Darlene Pfeiffer, Plantation, stated that she was present this evening to clear up a misconception. She reminded everyone that last year they were hearing how employees were going to be cut, and that every employee gave up a minimum of 6 days' pay, and began paying high amounts of health insurance. She stated that this year \$3,600 cash came from her pocket to help balance the budget. She felt they had a sensible budget this year, and no cuts were being proposed for employees. She reiterated that many employees had quit. The \$83,000 number that was thrown out includes taxes, general liability insurance, and worker's compensation.

Ron Centimore stated that he retired from the Police Department 3 years ago, and reiterated that the \$83,000 was not in his pension check. He is present tonight as a representative of Old Progresso Village who had voted in favor of a tax increase. He added they are the people who could least afford such a tax increase, but their neighborhood needs police protection. He stated that not much recognition had been given to the firefighters this evening, and he did not want to lose them either because he had worked many times with them and saw how they saved people's lives. The new City Manager deserves a chance to work out a budget for the next year. The individuals who had met him felt he is a fine person and would do a good job.

Elizabeth Hayes stated that she is a board member on the Parks and Recreation Board and a member of the Council of Fort Lauderdale Civic Associations, and Chair of the Schools and Parks Committee. She stated that 2-3 months ago there was an article in the *"Parks and Recreation"* Magazine regarding Snyder Park which was listed as a classic park and was well recognized. She added that the City itself had been named as the #2 animal friendly city in the US. Over the last few years, she remarked that the budget for parks and recreation has been decimated. She added that some referred to the department as "lean and mean," but she felt it was malnourished and they would see the consequences of it in the future. She stated that the Acting Director of Parks and Recreation stated they could live without a manager at Snyder Park, but she felt that was unconscionable. She asked the Commission to reflect on what would be best for the City as a whole. She also asked the Commission to pass Item M-25 this evening.

Daniel Murphy, Tarpon River, stated that last year he paid \$22,000 in property taxes, and this year the bill was \$28,000. He added that he tried not to raise rents on his properties, but he had to last year since his costs had doubled. He further stated that since he bought property in 1984, his taxes have risen 2,000%. He reiterated that things are out of control. Since 9/11, he remarked that large corporations have made huge cuts

from 20% to 30% in their revenues and work force, but this City has not done that and the budget has increased at least 10% per year since the '90's. He stated they were too quick to ask for more revenue, and too slow to make cuts in spending. He believed that the beautification projects should cease immediately until they could afford them. He asked for the Commission to lower their taxes.

Willie Wilson, Jr. stated that he is a City resident and City employee in Solid Waste Collection Division. He stated that he supported the budget, and hopefully the City would support the sanitation workers who worked hard to give the best service to the City.

Laraunda Ware stated that she began working in Sanitation in 1990 and had been recruited from all service refuse. It has taken a lot to build the program, and she did not want to see it go to a private company.

Denise Malanson stated she is a renter and employee. She reiterated that she is not paid \$83,000, but she does support the tax increase. Last year many employees lost their jobs or were bumped into lower positions, and they gave up 48 hours of their pay to help balance the budget. She added that some employees even gave up 16 hours of vacation pay on top of that, and they were still dedicated to the City. She reiterated that she loved this City and hoped the budget would pass. She hoped the sanitation positions would be saved.

George Kuntz stated that he was concerned about comments made this evening regarding the BSO. He stated that they have served their area for many years; many former police chiefs and assistant chiefs served in high-ranking positions in the BSO over the years; and to label this organization as corrupt was out of line. He stated that statisticians do not always agree on how to interpret numbers. He stated it is not right that a budget hearing is being held tonight, but yet they could not discuss a major item that could help cut the budget, which is turning the Police Department over to the BSO. He reiterated that he does not have a problem with the police and would continue to work with them, but he felt the City should look at all alternatives. He felt this is going to happen in the future, and the matter should be considered.

Mr. Kuntz further stated that in looking at the budget summary, he was concerned about the increase in pension contributions, jumping from 56% to 167%. He believed the Commission needs to look at salaries and pensions as they relate to the service-oriented economy in Broward County. If the City continues to raise taxes, businesses would not move here. He stated that volunteer firemen are needed; they help during hurricanes. He continued, stating that the City needs to look harder at the budget and try to find ways to cut expenses. He suggested that prisoners be used to paint the wave wall.

Kathy Wheland stated that it was her impression that some of the police officers feel the citizens do not think they are doing a good job, but that is not the case. She stated the sentiment is that there are economic realities to face which is that the City is spending more than they have. A 25% property tax increase is unreasonable. She believed the City's Police Department is the highest paid in the state, and asked why they need more than everyone else. She stated they have to face the reality that there is no money. She continued that she did not know what the police union wanted to give back to the City. She reiterated that people in private industry, along with homeowners, make sacrifices all the time. She felt the Commission has to make some hard decisions, but she felt that

some individuals do not want to do that. She reiterated that this is a great City, but it has some economic problems that need to be solved.

Mary Morand, Coconut Creek, stated that she was concerned about the proposed increase in taxes. Three years ago she purchased a small duplex in the Progresso area which is rapidly improving. Last year her taxes rose 145%, and this year they are going up another 34%, and tenants are not able to pay such increases. She asked the Commission to consider lowering the taxes.

Jay Koningsberg stated that this City would never save their way to prosperity. The new City Manager should be given a budget that he could be accountable for, and the City should not make excuses and point fingers. He stated they could have the tax base grow by raising taxes or allowing more housing, but unfortunately the Commission is fighting on a daily basis with individuals who want to invest in development, but the anti-development people are the same people standing up and asking for the taxes not to be raised. The City's hands are being tied. If they do not open up the tax base to new housing and attract the affordable element so the City could grow and prosper, they would never save their way to prosperity. He stated the City cannot have things both ways. He stated money has to come from somewhere if they are going to continue taking care of everyone's personal needs and interests.

Michael Kasten, President Poinsettia Heights Civic Association, stated that he does not have a magical answer, but his intuition told him that the Police Department needs to stay here in the City, and needs to be run by the City. He suggested that a committee of concerned citizens and police officers could possibly find a way to help fund the Police Department in an affordable way.

Daniel Rock, New Port Ritchie, wanted to know why a recommendation had come "out of the blue" to cut a City park management position that involves a trademark park. He reiterated that the park has greatly improved over the years, and without a professional study to back up this recommendation, he did not feel it was a wise one. The old adage of "if it ain't broke, don't fix it" should be considered. He asked if it was going to save a "cup out of an ocean" regarding the budget. It would not be good planning.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to close the public hearing. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Vice Mayor Trantalis stated that this past week had been very informative regarding the budget, and input had been received from citizens and staff in an attempt to understand what was behind the numbers that were presented. After the vote last week, he was troubled because this was a very important step being taken by the City. In terms of percentages, the proposed increase is significant and would impact many residents and set a precedent for the type of bold measures that this City was prepared to make in order to set its financial house in order. He stated what had troubled him was that they were not together as a group on the issue and the vote had been 3-2. He felt that showed the public and himself that they are a divided Commission which is the worst message they could send to the community when they are attempting to embark on an important measure. It made him go back and review why everyone had voted the way they had. He reviewed the previous Acting City Manager's "bare bones budget," and compared it to the one being presented by the current City Manager. He stated there

were some similarities and some differences, but he saw that in last year's budget there had been a significant decrease in the number of employees, especially in the Police Department. He stated they were not able to fill over 60 positions, risking the safety and welfare of the community, because they ran out of money. He reiterated that the City was not able to support the spending levels they had enjoyed in the past. He felt they could not continue to afford putting the community at risk, and he believed the City Manager agreed.

Vice Mayor Trantalis continued, stating that the City Manager is proposing 6 new positions, and he was not sure if that is enough, but it is a step in the right direction. He explained that the same type of treatment was afforded the Fire Department. It equates to an approximate 24% increase in taxes. In dollars, this means if a house was worth \$321,000 last year which is a medium priced house in the City, and if homesteaded, the actual dollar increase amounts to \$236.26. He stated if the property is not homesteaded, the actual dollar increase would amount to \$454.80. He explained that he then looked to see what everyone was paying for and why this money was needed since they were supposedly downsizing. He reiterated that over the years, they had not paid for some past sins. He explained the City has over \$20 million in insurance debt hanging over their heads which accumulated each year, but was never addressed. Furthermore, he stated the City had depleted the Contingency Fund, because over the years they had failed to supply their revenue income source sufficiently so as not to have to dig into the "piggy bank" which was now down to zero. If a major emergency occurred, the City would not have any money to deal with the situation.

Vice Mayor Trantalis reiterated that it is not about employees needing money or demanding money or the level of employees, but it is about the quality of service that has to be provided to the citizens as they work together to solve the problems. He added that it is also about paying back the money that has to be paid back. Last week proposals had been made to reduce taxes, but no one seemed to arrive at a serious approach as to how that could be done. He stated that the only approach he heard that came any where near the numbers being proposed was the one from Alan Silva to eliminate a department, the Police Department. Imagine how ludicrous and far-fetched they would have to go to suggest this. He felt that showed the course that the City Manager had chosen is the correct one because the alternative is an absurdity. This is how he perceives the situation, and when he saw that some of his fellow Commissioners had not perceived this in the same way, he felt troubled. Therefore, he asked that the Commission have a dialogue on this because he was not going to support any budget unless they are together. He stressed they have to be together on this; the public is together. It is important that unless they come up with specific deductions in terms of the millions of dollars that needs to be saved, and that is needed to rebuild the Police and Fire Departments. The Commission cannot be divided. There has to be a solid message.

Vice Mayor Trantalis continued, stating that in today's paper the City of Hollywood had voted unanimously for a tax increase. He reported that their millage rate was 6.1% and their increase had been 3%. He reiterated that the City of Fort Lauderdale is looking at 5.8%, and the point he is trying to make is that he wanted to hear specifics as to where the budget could be reduced. He stressed that he wanted to work as a team and he felt this is the best time to set a unified front for the community in an attempt to solve the City's problems.

Mayor Naugle stated that at the last meeting he voted against the proposed millage rate, and one of his reasons and another Commissioner's reasoning was that they wanted to increase the fire fee and reduce the millage rate. Because the fire fee was not set at the maximum amount, they will be foreclosed at this meeting from being able to do that. He had suggested the item be tabled. He explained the Commission had been informed that could not be done, and the vote was taken. Now, to ask him to increase the millage rate, when the ability to raise the fire fee is gone, seems unfair. He advised they had lost about \$4 million. He was troubled by this because the Commission had the chance to lower the millage.

Vice Mayor Trantalis stated they are still collecting the money from somewhere else. He reiterated they are allowing the community to save \$4 million by keeping the fire assessment fee lower. It had been a compromise.

Mayor Naugle stated there is a great disparity in property taxes. Some residents had to choose living in a house where values have exploded, and their incomes in no way reflect the amount of taxes they pay.

Vice Mayor Trantalis further stated that there would always be examples of extreme situations, and reiterated they are trying to achieve a compromise between the \$94 currently being assessed and the \$125 proposed by the Acting City Manager in his budget proposal. He reiterated it is still the same \$4 million which is going to be collected either through the fire assessment fee or from property taxes.

Mayor Naugle agreed but stated it is coming from different people.

Commissioner Hutchinson agreed with Vice Mayor Trantalis and in talking to the new City Manager, this is the first time he would have a budget that would not be unanimously supported. In his tenure in White Plains, he had managed to get a unanimous vote on the budget. She was concerned about them not going into this as a team. A vote should not just be no, but no with alternatives placed on the table. She stated further that the same individuals who did not want the fire assessment fee, do not want the increase in taxes. Therefore, how should they go about gathering the money needed. She stated that taxes in certain parts of the City are nil to nothing, but the \$125 fire fee would make a difference in an individual's life style because they are lower than low income people. If it is in the taxes, the taxes would not impact as much as the \$125 fee.

Commissioner Hutchinson stated that this budget is about people and services, and therefore, what people and what services are to be cut. In looking at the suggestions made by the former Acting City Manager, the millage rate was higher. The new City Manager attempted to get them to a livable point and some budget cuts totaled almost \$8.5 million from what the Acting City Manager had proposed. They have tried to get a millage rate that is workable. Over the weekend, she had no intention of supporting this budget, but for people who do not want to support it, she wanted them to offer alternative suggestions. She reiterated that the fire fee is off the table and is no longer up for discussion. She stated that no one should just vote no, but vote no with suggestions as to how they could work as a team.

Commissioner Moore was proud of the City and its residents, but he had a problem with the Mayor's statement about the \$125 fire assessment fee and why he could not

address leadership because his votes of the past helped put the City in this position, and votes he would make now and in the future could help get the City out of this situation. He stated the City has been lacking leadership, and no one would confess that the \$125 was a regressive fee. The new City Manager rolled back \$8.5 million. He reiterated that residents could not write off assessment fees in their taxes. He explained previously that he did not support a \$125 fire assessment fee. In regard to percentages, if people are alarmed at a 24% increase, it is a 50% increase in the fire assessment fee if goes to \$94, as recommended. He reiterated that they recommended a 100% increase in fees. He explained that the 24% is due to the ad valorem value; the recommendation for the budget is an 11% increase. He stated that in reading the many e-mails he received from realtors, none of them stated they would reduce their commissions to make houses more affordable because they were concerned about affordable housing. They were all worried about not being able to sell property in this City, but none dealt with the fact that they have the Save Our Homes initiative. None addressed the homestead issue or that the elderly may not be able to retain their homes.

Commissioner Moore continued, stating that he is talking about leadership, and told the Commissioners not to expect anything different. It is easy for the person who votes last to see the measure is passed because it is a necessity for the City, but then state that he did not do it. It will not be different tonight, and never has been different in the entire time they sat as the Commission. He stated it would require three Commissioners who "stick their necks out" to see that the budget is passed. He reminded everyone that if they paid \$24,000 or less, they could go to the Appraiser's Office and obtain an additional \$25,000 homestead exemption on their property. He advised that if someone is over 65, they could also get an additional homestead exemption. He reiterated that taxpayers need to be educated of the opportunities available to them by law. He stated if they were really concerned, then the City should hold a meeting and explain how such exemptions could be utilized to reduce the threat of an impact of an ad valorem tax. He explained there is nothing in the fees allowing anyone any type of adjustment, and that was why he had been so adamant against an increase in the fire fee. He acquiesced because the City Manager had stated he would cut out \$8.5 million and deal with the Reserve, not as quickly as suggested by the former Acting City Manager, but that things would be done with staffing to reduce the impact, and had asked to be met with some degree regarding the fire fee. He had not made up his mind until the night of the vote regarding the 50% increase in the fire fee in order to make things work.

Commissioner Moore stated that no one should expect the Mayor to lead because he sat here and said it was about who has to pay it. He is saying that lower or middle income individuals are not important to him. He reiterated that had been his understanding and admitted that he could be wrong. He emphasized that the Mayor is still not going to vote for the budget, but he hoped the rest of the Commission understood that was how things were and that is who he is. Everyone is going to say that Carlton Moore is the "tax and spend" Commissioner, but he is a people person and he cares about the taxpayers in his community who have a hard time just making their mortgage payments. He suggested that this be done because it is the right thing to do in order to correct the actions of the past.

Commissioner Moore further stated that members of the bargaining units were going to have to be very sincere regarding the issue of pensions. He stated it is hard to accept the type of increases they have to deal with and the issue has to be corrected. He felt there has to be a change in the methodology of how they are addressed. Comfortable

retirements are needed, but they need to have a comfortable manner in which to deliver the promise that was given. It cannot be an automatic 3-year contract of a certain percentage because when a Commission reviewed the budget and refused to increase it, the next year the automatic increases has to be addressed with due to labor negotiations, and that is why the Reserve is being wiped out. He hoped that everyone understood they are only recommending an 11% increase, and due to actions of the Commission in the past, ad valorem taxes had grown, along with the value of property.

Commissioner Moore believed they are making a mistake by privatizing the remaining 40% of refuse pick-up. He felt it was a drastic mistake and they would end up paying more for it in the end. If there is any change to the proposed budget that he would consider, it is putting this back on the table; retaining the employees and equipment and not jumping into the bad decision of what had been corrected in 1989 when the City gave the garbage collection to the private sector. The information he requested at the last conference meeting had not been supplied to him, but it needed to be submitted prior to the actual vote in October. He further stated the Commission needs to understand why they had gotten back into the business of doing 40% of refuse collection, and rebuying the equipment. He had asked for a comparison of municipal entities who do not have a portion of their service performed by such a municipal entity, and what the increases were, because since the City has been responsible for 40% of the pickup, there has been a gradual increase in the private sector's numbers over time. He reiterated that he did not like increasing anyone's taxes or fees, but he understood it is a necessity, and he felt it is a leadership position to do so.

Commissioner Teel stated that the Commission has heard over the last few months the comments which are being reiterated this evening. This has been a big learning experience to see how decisions made in the past now have to be dealt with, and knowing that today's decisions would continue to impact what had to be done. She stated that no one wants to pay additional fees, but the fact of the matter is that to have certain services delivered in this City, it costs money. She reiterated that in looking back fees had not been increased for 10 years, yet the cost for services kept rising. But it was pushed off, saying it was not good to raise such fees. Then, the reality came and the house of cards fell, and suddenly the fees had to be raised 25% to 100%. In looking at District I, there are 49% of the units valued under \$150,000. She reiterated that there is a lot of variation and questions arose as to who was paying for a fair amount of the services being rendered. She stated it is clear that the way of trying to get the numbers to make sense, there had to be increases. She believed that increases should be gradual each year.

Commissioner Teel continued, stating that the Broward County Property Appraiser stated that co-ops are no longer going to be assessed at the rate and in the method used in the past. It was announced that such mandate had come down from the State, and the appraised value is to be based on what a condominium of equal size costs. She stated such individuals do not have the homestead exemption, and therefore, for many people, the tax rate is not going up 33%, but 70% and more. She reiterated that duplexes and triplexes were assessed extremely high and the owners had good stable tenants, but now those tenants could not absorb such increases. They will now be depleting the affordable housing stock, and then the properties would decrease in value. She explained that many people are "caught" in their houses and could not afford to move or sell their property.

Commissioner Teel stated that one example of “runaway spending” over the years that came about through collective bargaining agreements is the pension costs. It is not a slam on the employees. She was concerned because there is a suggestion in the budget of adding new positions, but her feeling is that to bring in such individuals at the proposed rates would be again perpetuating the runaway train that needs to be brought under control. She explained that the pension costs during a five-year period have risen 239%. She did not see how they could sustain this. The City’s cost for funding the pensions in 2001 was \$7 million, and in 2005 the cost would be \$25 million. Many of the employees are vested and things won’t change, but to continue with new employees would be a terrible mistake. This is one of the reasons why she previously voted against this budget.

Commissioner Teel stated that in regard to paying down the deficits, the insurance deficit is \$22 million and going up with every case filed. She stated they need to address this vigorously or else it will continue to climb. She felt that the Broward County Property Appraiser and the Value Adjustment Board will be overwhelmed with the number of appeals that will be filed. At some point in this budget year, the City is going to discover that they are going to receive less income from property taxes.

Commissioner Teel stated that many people want to see the Resource Officers restored, but the money comes from a State Law Enforcement Trust Fund. It is tax money and four officers would cost \$478,000, including taxes and benefits. She felt the School Board should be paying the entire amount. She stated that such costs have to be addressed now.

Commissioner Teel further stated that everyone got upset regarding Mr. Silva’s numbers. She had not requested that information and the Sun-Sentinel had never asked what was her opinion, but had stated that she was going to support the recommendation. She reiterated that is not correct. She felt that information is power and knowledge. She emphasized that basically no one wanted to cut anything, but it is down to the fact that they could not continue to rely on the taxpayers to pay such horrendous rates. She felt there are still more opportunities in the proposed budget to make cuts. Employee salaries have to be funded, and to perpetuate according to this plan for future employees is a fiscal mistake. This had to be brought under control. She felt adjustments had to be made before she could support this budget. She felt the first line of defense should be to cut expenses, and she was not convinced that some of the changes in the reorganization would be beneficial because they appear to possibly be costing the City more money, and now is not the time for increases. The increase in taxes is too much. She stated that she is not going to support the budget without substantial changes.

Commissioner Moore stated that he does not support Resource Officers because he does not think it is necessary to have such officers in elementary schools. If it is a time to have such officers in elementary schools in order to control the children, then he questioned the school system itself. He supports dealing with this situation for middle or high schools, but not elementary.

Commissioner Moore stated further that due to new information regarding the Bike Coordinator showing that it would not cost the City any money this year to continue that position, then he does not object to addressing it in this fiscal year. Mayor Naugle stated

that it would cost the City \$3,000 this year. Commissioner Moore asked for further clarification regarding the cost.

Mr. Thornburg stated it would be zero dollars for this year, and the cost in the next fiscal year would be \$3,000.

Commissioner Moore reiterated that he would support the Bike Coordinator position.

Commissioner Hutchinson stated that if Commissioner Teel was going to vote against the budget, she asked if she has any specific cuts. Just to say no, sharpen your pencils, and make more cuts, is not the route to go; Commissioner Teel should specifically list such cuts so the rest of the Commission could review them.

Commissioner Teel stated that she felt the pension costs need to be reviewed, along with the increased number of employees coming on board. She further stated that the list provided at the last meeting had not been reviewed and possibly had some validity toward the budget, and she was not opposed to having a workshop or another meeting to discuss this budget. She did not think there had been an opportunity to review this as a group and talk about cuts. She felt the increase of employees and promotions to department heads might come back to haunt them. She reiterated that she did not think the first line of defense is to raise taxes.

Commissioner Hutchinson stated that it was her understanding that the 16 new departments created would result in a savings of \$250,000. Mr. Chapman stated that savings is City-wide. Commissioner Hutchinson stated there are ten new positions in this budget. She asked Commissioner Teel which ones should be cut.

Commissioner Teel stated that it took more thought in deciding what to cut, and one could not sit here and begin cutting positions. She felt a workshop or joint meeting would be needed.

Commissioner Hutchinson stated this had been done since the first budget message had come out on July 15, 2004. It is September 21, 2004 and the original budget submitted by the Acting City Manager was higher than the proposed one. If more cuts are needed, then they should decide now. This has been "workshopped" since December.

The City Manager stated that the City Attorney had opined that the budget has to be passed this evening unless there is an extraordinary or emergency situation.

Mayor Naugle stated that he had asked the City Manager and City Attorney about the decision made at the last meeting regarding not raising the fire assessment fee which added an extra \$4 million to the millage rate. He asked if the City could go back and send out new notices and "undo" that decision. He was informed that could not be done. The City Attorney confirmed, and stated that they had also checked with the City's outside special counsel regarding taxing matters and they agreed. Mayor Naugle stated that would have been the first thing he would have offered, to raise that fee.

Motion made by Commissioner Moore and seconded by Commissioner Teel to approve the proposed budget as recommended by the City Manager.

Vice Mayor Trantalis referred to Commissioner Teel's comments and he stated that believed there might be some misinformation. He explained that the reorganization that was suggested originally by the Acting City Manager, and some of it adopted by the new City Manager, does net the City a reduction in actual costs. People were shuffled around, numbers reduced, thereby saving the City money. He further stated that the budget proposed tonight came as a result of several budget workshops. Until now, there has been no objection to any of the proposals made, and if anything, the City Manager had reduced what they had a consensus on. He wanted to applaud him in that regard. He stated that he owns properties in the City and does not have a desire to pay more taxes. If this motion moves forward, he is going to vote against it and he would insist they sit and discuss it until they could reach an answer on it together. He reiterated that they could not be divided on the motion because it would not be fair to the citizens.

Commissioner Teel stated that there are a number of employees in the DROP Program, and one way to save is to either freeze the position or not fill it at the time of vacancy. She asked if there was a possibility of saving money if they are left vacant. She reiterated a large portion of cost is due to personnel. She felt there are other ways to save money. She stated they had a budget workshop in February, and the results were never discussed in detail. She took exception to the statement that they had been "workshopping" the budget over and over.

The City Manager stated this is a difficult position for him because obviously there are philosophical differences here, in terms of where the government should be. A question had been asked about the vacancies, and he replied that no vacancies have to be filled. They could continue to cut staff and funding. Anything is "doable". The issue here is a policy decision; what does the Commission want this government to be. He stated cuts could be made if they want a reduction in services, and if they want what the City now has, then this budget has to be adopted as proposed. If more service is wanted, then monies have to be added to the budget. He stated further that the Acting City Manager sat here for ten months and he was the most fiscally conservative person in the City to look for savings. Cuts were made and savings were achieved, but they could not get through the rest of the year because there was not enough money, and the City would have gone bankrupt. He reiterated they are in a "do or die" situation, and decisions had to be made that no one liked. He further stated that someone had to do it and the Acting City Manager had paid the price. He stated that the Police Department is the perfect example. He had asked the Acting City Manager why they had cut thirty positions in that department, and what had been the rationale. The answer was the City needed \$12 million. He stated that is a financial rationale, not a governmental rationale.

The City Manager continued, stating that they are now at a crossroads because they had years and years of financial decay and they ran out of money. He stated they are beyond the matter of who was to blame. The Commission has to decide where they want this government to go. He is like a captain of a ship, and he would steer it wherever they wanted it to go. If they do not repair the ship, it will sink. He reiterated that there is something for everyone in this budget, and there is a little something in it that no one likes. Employees feel not enough is being done to fill vacancies, and the previous Acting City Manager did not feel they are addressing the insurance fast enough. He tried to find a budget that touched as many people as they could and reach a compromise to bring as many people together as possible. He stated he is accustomed to unanimity, but at this point they need a budget. He stated further they could go down the list and start

making cuts, and maybe the suggestion regarding fire dispatch merits consideration, but no one has studied the idea and no analysis is done.

The City Manager reiterated that he came here from New York and has no vested interest in any group. He is here to protect the City and to do the best job possible to keep everyone as whole as possible, recognizing the fact that everyone has to make sacrifices.

Commissioner Moore stated that he acquiesced to the recommendation of this Manager because he felt, in an attempt to change the course of where they were going as a governmental entity, it would be appropriate to have a unanimous vote for the budget. He realized the budget increase is substantial, but he also realized the reality of things which was that it would require a majority of the Commission to do what was best for the City. He realized it is not comfortable to deal with various issues, and if some recommendations are considered then others would follow. He stated some individuals would not want to tag their name to a 20% increase in taxes or any other amount. He accepted that and it made him sad, but that is how the situation stands. Originally he had not chosen Mr. Gretsas for the job, but after debating the matter, he suggested they make it a unanimous invitation so the individual would know that the entire Commission was going to work with him in order to get the City where they wanted it to be. He stated that at that time, he had made a recommendation that the Commission have a workshop to help them understand how they wanted to present themselves regarding the budget, and where they wanted to go as a government.

Commissioner Moore stated that when he was first elected to the Commission, their goal had been to be the best city of their size by a certain date, and they had dealt with various issues to make that happen. Today, everything has come to fruition even though at times hard decisions had to be made. He reiterated that change and leading is difficult, and making decisions is difficult. He understood the Vice-Mayor's ploy and he admired what he was trying to do, but those people are not going to change their positions. He agreed that they have to deal with a defined contribution pension plan. That is where he is headed with future employees because it is a runaway train, but nothing could be done about it tonight. The budget has to pay for the ills of a pension plan that did not take place during the past year. It has nothing to do with next year's proposal. The City has to have a balanced budget and that was why employees had to take furlough days. They could not be in the red like the federal government. For such reasons, he wished he could say that he did not want any increases, but he also did not want to do things that the rest of the Commission had decided to do over the years, such as continuation of the jail and the baseball stadium. He had lost those votes, and tonight they may lose the unanimous vote, but the City has to have a budget. In explaining themselves over the years regarding this move, he heard that people are not afraid of a tax increase; they have a standard they want, and therefore, the City has to deliver that standard of service. Some individuals are going to be impacted adversely by this budget, but the budget has to be adopted. Some increases are higher than others, and part of that is due to the appraised value of the property by the County. He stated that other taxing bodies did their increases gradually. He asked for the vote to be taken. He stated that nothing would stop them from reducing the budget in future years.

Vice Mayor Trantalis asked if the proposed budget is not passed, what are the available options to the Commission. The City Attorney replied that the Commission is required by statute to adopt a preliminary budget and that had been done; within 15 days of that

date, staff has to advertise a final hearing and at that hearing a final budget has to be adopted. If there are circumstances beyond their control, then the time could be extended. He was not able to find case law regarding circumstances beyond their control, but the fact that they could not come to closure on the issue might or might not be considered as such circumstance. If the Commission does not adopt a budget by October 8, 2004, the City would not be able to collect any monies.

Vice Mayor Trantalis clarified that if the budget is rejected, is the City automatically required to use the previous year's budget, or could they recess and have further discussions. The City Attorney explained that the process is that the meeting would have to be deferred. If the deferral went beyond October 8, 2004, they would collect no monies next year and would not be allowed to do so. The City would shut down. If the City has an adopted budget prior to that time and it extended past October 1, 2004, there are two available options. One is that they could expend money in the next fiscal year beginning October 1, 2004 in accordance with such preliminary budget without any further action on the part of the Commission, or they could adopt last year's budget by resolution and then monies could be expended next year. He explained that the October 8th date was the drop dead date for setting the millage for the following year, and then they would be in a difficult situation.

Vice Mayor Trantalis further clarified if the budget is not adopted, then the City is not compelled to use last year's figures and could use such preliminary budget until October 8, 2004. The City Attorney confirmed.

Commissioner Hutchinson stated that if this meeting was deferred, it would not change the comments from two of its members who are going to vote against the budget. She further stated if they are not willing to state tonight what they want to cut, it would not change if this chaos was again deferred.

Vice Mayor Trantalis stated that labor costs are not an option because they have to do with decisions made in previous years, and therefore, that is not an option. He stated that Commissioner Teel is concerned that the reorganization would end up costing the City money, but it actually saves money. He felt through the discussion process, she had been denied a "give and play" discussion, but so far such discussion had brought forth information that maybe they did not know previously. Therefore, he wanted to continue this discussion.

Mayor Naugle stated that during the first hearing when they were setting the fire fee and he asked them to hold up on that issue because if it was done, they would foreclose on being able to reduce the millage at the next hearing. He stated that both he and Commissioner Teel had pleaded with the other Commissioners not to follow that route, but it was done and now they are calling on them to vote for a higher millage after they had taken away the option of lowering it. He felt that is totally unreasonable.

Vice Mayor Trantalis clarified they are saying it is an increase from the previous amount charged, a compromise. The amount of money that would have been realized with an increase to \$125 was \$4 million, and yes they are changing the source of that money and it is not being collected evenly from the households, but they are still taking the \$4 million from the taxpayers. It is not more or less; it is still the same amount of money. He wanted to understand philosophically where they are burdening the community overall by determining that the fire assessment fee is the only and best way to collect the

difference, rather than through the ad valorem tax. He was concerned if that is the hang-up, then they should understand that had been a compromise. The number was achieved after people had gone up and down on the amount, and that was how the interaction had worked. His concern was that they are not compromising at this point in time.

Mayor Naugle reiterated that before the first budget hearing, he had given the City Manager a list of \$9 million in cuts that he wanted to see, and he had arrived at a recommendation after speaking with the Commissioners for \$6 million in cuts with \$1.6 million in adds. He had proposed additional cuts which might or might not have been feasible. One recommendation was to make the deal with regard to fire dispatch for \$800,000. He reiterated that he had pleaded with staff to do that, and he was not satisfied that people had done their best to make that happen. He stated that he would also cut the \$1.6 million of adds.

Commissioner Moore stated that this is déjà vu all over again, and each year with the budget review they have this type of parade and circus, where individuals begin making suggestions for cuts without looking at the real impact, and that is why they found themselves drowning last year and the year before. He stated that he would accept, and hoped that everyone, including the media, would accept that the Mayor was sincere in stating that if the fire assessment fee was at the \$125 rate, it would have supplied the \$4 million and certain people would not have been impacted with the tax increase, and he would have passed it.

Mayor Naugle stated he would not have passed it and would have asked for additional cuts to be made, such as the ones he is proposing tonight.

Commissioner Moore did not want to see this Commission do what it had done in the past with this type of action. He suggested that the rest of the Commission be the leaders, and do what needs to be done, and let the Mayor explain himself when he has the opportunity to do so. He stated they do not have to sit here and go through the budget and cut things out which have been discussed and measured. He reiterated that they have not been able to convince him of a compromise, and nothing they would do tonight in a "knee jerk" reaction would be the right thing to do. The tax rate could be reduced and they would still not know what the Mayor was going to do, since he votes last. He suggested that they not play this game, but move forward and vote.

Vice Mayor Trantalis asked what \$2.5 million would be in an actual percentage reduction.

Mr. Chapman stated it would go from a rolled-back rate of 24.23% down to 21.25%. Mayor Naugle asked what would the percentage be if the fire assessment was added back in. Mr. Chapman replied it would be 16.47%. He reminded everyone that is a net zero gain.

Mr. Chapman further stated that if the \$125 fire assessment had been approved, the increase would have been 20%. He reiterated that the \$4 million could not be done now.

Vice Mayor Trantalis reiterated that the Commission needs to fashion a compromise, so they could say they are going to work to rebuild the City. He reiterated that the City is

falling apart. Commissioner Moore reiterated that it would not get done with the Mayor's vote, and therefore, they should proceed and vote.

Mayor Naugle stated that he appreciated the Vice Mayor and Commissioner Hutchinson's remarks, and he realized they are unhappy with his and Commissioner Teel's position. It is not right that Commissioner Moore continues to attack him personally. He asked how many of the citizens in the audience planned on paying their tax bill, and how many plan on letting it go to a tax certificate. He did not think anyone was going to let it go to a certificate. He asked how many people intend to pay their federal income taxes or were they going to allow a lien to be imposed.

Commissioner Moore stated he resented the remarks as a personal attack, and wanted to vote on the budget. He indicated that he did not pay his taxes for two years and as a result paid an additional 18%

Mayor Naugle felt there should be a constitutional amendment to prohibit anyone who does not pay their taxes from being able to serve in a capacity that has the power to impose taxes.

Commissioner Moore stated that for anyone who does not pay their taxes, someone else pays them. The government continues to operate because of the tax lien process in order to make sure the government functions. People who do not pay their taxes end up paying an additional fee to the individual who paid the lien. If he had been in a financial position to pay, he would have done so. He reiterated that he would support this budget because it is the right thing to do.

Mayor Naugle announced that the City of Fort Lauderdale would be levying the following millage rate on real property within the City of Fort Lauderdale. The millage rate for all general purposes, exclusive of debt service, will be 5.4066 which represents a 24.23% increase in the millage rate over the rolled-back rate of 4.3545 mills, which by State Statute is characterized as a 24.23% increase in property taxes. The millage rate for debt service for combined 1987, 1992, 1998 general obligation refunding bond is .2082 which represents a 5.31% increase in the millage rate over the rolled-back rate of .1977. The millage rate for debt service for the 1997 general obligation bond, and 2002 general obligation refunding bonds is .1550 which represents a 15.59% increase in the millage rate over the rolled-back rate of .1341.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE
MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT
LAUDERDALE FOR THE FISCAL YEAR BEGINNING
OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005.

Which resolution was read by title only. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore and Hutchinson. NAYS: Commissioner Teel and Mayor Naugle.

Commissioner Hutchinson introduced the following ordinance on second and final reading:

ORDINANCE NO. C-94-42

AN ORDINANCE ADOPTING THE FINAL BUDGET OF THE CITY OF FORT LAUDERDALE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005.

Which ordinance was read by title only. Roll call showed: YEAS: Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: Commissioner Teel.

Fiscal Year 2004/2005 Sunrise Key Neighborhood Improvement District (PH-B)

The final public hearing on the budget of the Sunrise Key Neighborhood Improvement District for fiscal year beginning October 1, 2004 and ending September 30, 2005.

Steven Chapman, Assistant Director of Finance, stated that the millage rate was tentatively adopted at 1 mill and would have a tax levy of \$61,622.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Mayor Naugle announced that the City of Fort Lauderdale would be levying the following millage rate on real property within the Sunrise Key Neighborhood Improvement District. The millage rate for Sunrise Key Neighborhood Improvement District will be 1 mill which represents a 37.46% over the rolled back rate of .7275 mills.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 04-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED BY THE CITY OF FORT LAUDERDALE FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following resolution adopting final budget:

RESOLUTION NO. 04-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY

OF FORT LAUDERDALE, FLORIDA, ADOPTING THE FINAL
BUDGET FOR THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT
DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2004
AND ENDING SEPTEMBER 30, 2005.

Which resolution was read by title only: Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson and Mayor Naugle. NAYS: None.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Walk from Obesity
American Society for Bariatric Surgery Foundation

(M-1)

A motion authorizing and approving the execution of an Event Agreement with American Society for Bariatric Surgery Foundation to indemnify, protect and hold harmless the City from any liability in connection with the Walk from Obesity to be held Saturday, October 23, 2004, from 7:00 a.m. to 12 noon at Las Olas Riverfront and downtown sidewalks.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1216 from City Manager.

Event Agreement – 6th Annual Safe Walk
Women in Distress of Broward County, Inc.

(M-2)

A motion authorizing and approving the execution of an Event Agreement with Women in Distress of Broward County, Inc. to indemnify, protect and hold harmless the City from any liability in connection with the 6th Annual Safe Walk to be held Thursday, October 7, 2004, from 5:30 p.m. to 8:00 p.m. at Las Olas Riverfront and downtown sidewalks.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1299 from City Manager.

**Event Agreement – Reggae Latin Soca Rock the Vote
Borderline Production Enterprises, Inc.****(M-3)**

A motion authorizing and approving the execution of an Event Agreement with the Borderline Production Enterprises, Inc. to indemnify, protect and hold harmless the City from any liability in connection with Reggae Latin Soca Rock The Vote to be held Saturday, October 2, 2004, from 12 noon to 8:00 p.m. at Mills Pond Park

Recommend: Motion to approve.

Exhibit: Memo No. 04-1056 from City Manager.

**Task Order 04-06 – Hazen and Sawyer, P.C. - \$335,800
South Andrews Avenue Water Main Improvements;
Project 10815.482****(M-4)**

A motion authorizing the proper City Officials to execute Task Order 04-06 to Hazen and Sawyer, P.C. in the amount of \$335,800, for provision of engineering services associated with the South Andrews Avenue Water Main Improvements Project.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1158 from City Manager.

**Task Order – Evans Environmental and Geosciences - \$37,690
Inspection and Cleaning of Aeration Basin at the Fiveash Water Plant****(M-5)**

A motion authorizing the proper City Officials to execute a task order to Evans Environmental and Geosciences in the amount of \$37,690, for inspection, cleaning and removing the accumulated sediment in the Fiveash aeration basin.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1286 from City Manager.

**Task Order – Evans Environmental and Geosciences - \$85,000
Lincoln Park remediation Site****(M-6)**

A motion authorizing the proper City Officials to execute a task order to Evans Environmental and Geosciences in the amount of \$85,000, for additional environmental testing at the Lincoln Park remediation site.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1231 from City Manager.

**Contract – Weekley Asphalt Paving, Inc. - \$829,100
2004/2005 Annual Asphalt Resurfacing Contract;
Project 10855**

(M-7)

A motion authorizing the proper City Officials to execute an agreement with Weekley Asphalt Paving, Inc. in the amount of \$829,100 for the 2004/2005 Annual Asphalt Resurfacing Contract project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1152 from City Manager.

**Contract Extension – Community Bus Program
Downtown Fort Lauderdale Transportation
Management Association**

(M-8)

A motion authorizing the proper City Officials to execute a one-year extension of the City's agreement with the Downtown Fort Lauderdale Transportation Management Association to operate the City's Community Bus Program, and approval of an hourly rate increase to \$50, effective February 7, 2005.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1233 from City Manager.

**Interlocal Agreement – Broward Sheriff's Office
Link Public Safety Radio Systems Together in
SmartZone Configuration**

(M-9)

A motion authorizing the proper City Officials to enter into an Interlocal Agreement with the Broward Sheriff's Office to link public safety radio systems together in a SmartZone configuration.

Recommend: Motion to approve.
Exhibit: Memo No. 04-953 from City Manager.

**Agreements – Assistant Tennis Instructors
Fiscal Year 2004/2005**

(M-10)

A motion authorizing the proper City Officials to execute agreements with Tom Krukiel, Steve Kenney, Peter Popov, Phil Milford, Jennifer Wiley, Ron Perry, Renee Ezell, Jovicho Milosevic and T.J. Urhobo for services as Assistant Tennis Instructors for the period of October 1, 2004 through September 30, 2005 with renewal option for four additional one-year terms.

Recommend: Motion to approve.
Exhibit: Memo No. 04-815 from City Manager.

Agreement – Coaching Services, Fort Lauderdale Dive Team**(M-11)**

A motion authorizing the proper City Officials to execute a four-year agreement with Tim O'Brien to provide consulting and coaching services for the Fort Lauderdale Dive Team at the City's Aquatic Complex.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1297 from City Manager.

**Agreement – Amphibious Vehicular Tours – Lauderdale, Inc.
S.E. 15 Street & Cooley's Landing****(M-12)**

A motion authorizing the proper City Officials to execute an indemnification agreement with Lauderdale, Inc. for use of the City's S.E. 15 Street & Cooley's Landing public boat launching facilities to launch amphibious vehicular tours on a seven-day per week basis from 9:00 a.m. to 6:00 p.m. for a term of October 1, 2004 through September 30, 2005.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1139 from City Manager.

**Dockage Lease Agreement – Searock, Inc.
Fiscal Year 2004-2005****(M-13)**

A motion authorizing the proper City Officials to execute a lease agreement with Searock, Inc. d/b/a Allied Marine Group, lineal feet of dockage on the New River for a term of October 1, 2004 through September 30, 2005.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1282 from City Manager.

**Dockage Lease Agreement – Marine Hospitality, Inc.
Fiscal Year 2004-2005****(M-14)**

A motion authorizing the proper City Officials to execute a lease agreement with Marine Hospitality, Inc. on the New River for a term of October 1, 2004 through September 30, 2005.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1251 from City Manager.

**Dockage Lease Agreement & Sightseeing & Charter
Operations – Harbor Tours, Inc. – Fiscal Year 2004-2005****(M-15)**

A motion authorizing the proper City Officials to execute a lease agreement with Harbor Tours, Inc. on the New River for a term of October 1, 2004 through September 30, 2005; and authorizing Harbor Tours, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1252 from City Manager.

**Dockage Lease Agreement & Sightseeing & Charter
Operations – Sightseeing Cruises, Inc. Fiscal Year 2004-2005****(M-16)**

A motion authorizing the proper City Officials to execute a lease agreement with Sightseeing Cruises, Inc. d/b/a Lady Lucille Cruises, on the New River for a term of October 1, 2004 through September 30, 2005, and authorizing Harbor Tours, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1254 from City Manager.

**Dockage Lease Agreement & Sightseeing & Charter
Operations –Carfi Enterprises, Inc. - Fiscal Year 2004-2005****(M-17)**

A motion authorizing the proper City Officials to execute a lease agreement with Carfi Enterprises, Inc., on the New River for a term of October 1, 2004 through September 30, 2005, and authorizing Carfi Enterprises, Inc. to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1253 from City Manager.

**Dockage Lease Agreement & Sightseeing & Charter
Operations –Oyster Trading of Fort Lauderdale, LLC –
Fiscal Year 2004-2005****(M-18)**

A motion authorizing the proper City Officials to execute a lease agreement with Oyster Trading of Fort Lauderdale, LLC on the New River for a term of October 1, 2004 through September 30, 2005, and authorizing Oyster Trading of Fort Lauderdale, LLC to conduct day and evening sightseeing and private charter operations.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1279 from City Manager.

Broward Mobile Irrigation Lab – Water Conservation**(M-19)**

A motion approving the City's participation with neighboring municipal and private utilities in Broward County to fund a Broward Mobile Irrigation Lab to promote water conservation.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1176 from City Manager.

**Work Authorization 16724.90 – Keith and Schnars, P.A. -
\$184,030 – Northeast Large Water Main Design Services;
Project 10567****(M-20)**

A motion authorizing the proper City Officials to execute Work Authorization 16724.90 with Keith and Schnars, P.A. in the amount of \$184,030 for design services associated with the Northeast Larger Water Main Project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1162 from City Manager.

**Task Order 04-4353 – Calvin Giordano & Associates, Inc. -
\$78,520 – Survey Design Services; Poinciana Park South
Water & Sanitary Sewer Improvements Project****(M-21)**

A motion authorizing the proper City Officials to execute Task Order 04-4353 to Calvin Giordano & Associates, Inc., in the amount of \$78,520, for survey design services associated with the Poinciana Park South Water & Sanitary Sewer Improvements Project.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1234 from City Manager.

**Interlocal Agreement – Broward Sheriff's Office
Dispatch Services****(M-22)**

A motion authorizing the proper City Officials to execute an interlocal agreement with the Broward Sheriff's Office to provide dispatch services to the City for a period of five years, effective October 1, 2004.

Recommend: Motion to approve.
Exhibit: Memo No. 04-1197 from City Manager.

**Program Agreement Amendment 2 – MODCO & 4th Avenue
Church of God – Friends & Family Program****(M-23)**

A motion authorizing the proper City Officials to execute Amendment 2 to the City's agreement with MODCO & 4th Avenue Church of God, associated with adjustments to comply with Section G of the Program Agreement.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1146 from City Manager.

**Transfer of Law Enforcement Trust Funds - \$444,045 &
\$110,001 Confiscation Operating Budget & Insurance
Reimbursement****(M-24)**

A motion authorizing the appropriation and transfer from the Law Enforcement Trust Fund to various accounts to fund the Fiscal Year 2004/2005 Confiscation Operating Budget (\$444,045) and to cover insurance reimbursement regarding a settlement (\$110,001).

Recommend: Motion to approve.

Exhibit: Memo No. 04-1287 from City Manager.

**Transfer of Law Enforcement Confiscated Property Fund -
\$478,245 – Four School Resource Officers****(M-25)**

A motion authorizing the appropriation and transfer of \$478,245 from the Law Enforcement Confiscated Property Fund to various accounts to fund four school resource officers, Fiscal year 2004-2005.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1288 from City Manager.

**Transfer of Law Enforcement Confiscated Property Fund -
\$25,635.35 – Adjustment Relating to Public Safety Bond Issue****(M-26)**

A motion authorizing the appropriation and transfer of \$25,635.35 from the Law Enforcement Confiscated property Fund (previously appropriated to fund staff assigned to the public safety bond issue) to Account FD 001/Q104 to comply with Florida Contraband Forfeiture Act.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1102 from City Manager.

Allocation of Funds – City Hall Parking Garage
Fiscal Year 2004/2005**(M-27)**

A motion authorizing payment of an amount not to exceed \$80,000 to RSP II Barnett Bank Plaza, Ltd. For the operation and maintenance of City Hall Parking Garage during Fiscal Year 2004/2005.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1275 from City Manager.

Budget Amendment 9 – Fiscal Year 2003/2004**(M-28)**

A motion approving Budget Amendment 9 to the Fiscal Year 2003-2004 Budget.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1295 from City Manager.

Fire Rescue Facilities Bond Education Program**(M-29)**

A motion authorizing the previously approved expenditure of \$70,000 (mail notice – Fire Special Assessment) to supplement previously approved expenditure of \$45,000 (public education & awareness program – Fire Rescue Facilities Bond Referendum), authorizing engagement of J. Blake MacDiarmid, Strategic Media, Message & Mail for \$15,000, and approving carryover from fiscal year 2004 to fiscal year 2005 of \$70,000.

Recommend: Motion to approve.

Exhibit: Memo No. 04-1355 from City Manager.

PURCHASING AGENDA

State – Radio Batteries and Chargers**(Pur-1)**

An agreement to purchase radio batteries and chargers is being presented for approval by the Police Department.

Vendor: Tessco, Inc.
Hunt Valley, MD
Motorola, Inc.
Schaumburg, IL
Amount: \$ 24,060.50
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1007 from City Manager

The Procurement and Materials Management Division recommends approving purchases from the Florida State and City contracts with approval to appropriate and transfer 424,060.50 from the DEA Confiscated property Fund (Fund 107) to POL080101 as follows: \$6,628.50 Components/Parts (3404) and \$17,432 Tools/Equipment (3946).

Proprietary – Tree Inventory Asset Database Software**(Pur-2)**

An agreement to purchase tree inventory asset database software is being presented for approval by the Parks & Recreation Department.

Vendor: Hansen Information Technologies Corp.
Sacramento, CA
Amount: \$ 77,627.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1210 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary purchase.

State of Florida – Software**(Pur-3)**

An agreement to purchase software is being presented for approval by the Police Department.

Vendor: Softwarehouse International, Inc.
Somerset, NJ
Amount: \$ 128,632.33
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1206 from City Manager

The Procurement and Materials Management Division recommends approving the purchase from the Florida State contract.

Co-Op – Fertilizer**(Pur-4)**

One-year contract for the purchase of fertilizer is being presented for approval by the Parks & Recreation Department.

Vendor: Lesco, Inc.
Strongsville, OH
Robert F. Wiseman & Assoc., Inc.
d/b/a Atlantic FED Fert. & Chemical Co.
Homestead, FL
Diamond R Fertilizer Co., Inc.
Fort Pierce, FL
Amount: \$ 93,330.00 (estimated)
Bids Solicited/Rec'd: 24/7 with 1 no bid
Exhibits: Memorandum No. 04-1217 from City Manager

The Procurement and Materials Management Division recommends awarding to the low responsive and responsible bidders.

Extension – Wellness Program Benefits**(Pur-5)**

One-year contract extension for wellness program benefits for management and confidential employees is being presented for approval by the Finance, Risk Management Division.

Vendor: INTERxVENT USA, Inc.
Savannah, GA
Amount: \$ 40,140.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1038 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the contract extension.

942-9050 – Roof Inspections and Replacement Rehab Program**(Pur-6)**

Three-year contract for roof inspections and replacements for the Residential Rehab program is being presented for approval by the Community Development Division.

Vendor: Fleming Enterprises of South Florida, Inc.
d/b/a Above All a Good Roof
Fort Lauderdale, FL
Tommie B. Butts Jr. Enterprises, Inc. (MBE)
Lauderdale Lakes, FL
Amount: Per Unit Prices
Bid Solicited/Rec'd: 57/6
Exhibits: Memorandum No. 04-1177 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to the top ranked proposers.

Proprietary – Maintenance, 800 MHz Public Safety System**(Pur-7)**

One-year contract extension for 800 MHz public safety radio system and user equipment maintenance is being presented for approval by the Administrative Services, Information Technology Division.

Vendor: Motorola, Inc.
Sunrise, FL
Amount: \$ 306,779.64
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 04-1274 from City Manager

The Procurement and Materials Management Division reviewed this item and recommends approving the proprietary contract extension.

The following items were removed from the Consent Agenda as requested:

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item Nos. M-1, M-3, M-7, M-8, M-13, M-14, M-15, M-16, M-17, M-18, M-22, M-25, M-28, M-29 and Pur-2 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

Vice Mayor Trantalis left the meeting at approximately 9:24 p.m.

Roll call showed: YEAS: Commissioners Teel, Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Event Agreement – Walk from Obesity
American Society for Bariatric Surgery Foundation**

(M-1)

The City Attorney stated that staff had received the documents back from the applicant, but they had been improperly executed. He asked that this item be approved subject to final approval by the City Attorney's Office after review of the documents.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the item as recommended, subject to final approval by the City Attorney's Office. Roll call showed: YEAS: Commissioners Teel, Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Event Agreement – Reggae Latin Soca Rock the Vote
Borderline Production Enterprises, Inc.**

(M-3)

The City Attorney stated that this item has been withdrawn due as the event was canceled.

**Contract – Weekley Asphalt Paving, Inc. – \$829,100
2004/2005 Annual Asphalt Resurfacing Contract; Project 10855**

(M-7)

Commissioner Teel stated that she had pulled this item and understood that the money is coming from the gasoline tax, and that a program exists for resurfacing streets. She asked if there is any opportunity to reduce this by 10% and remove about \$82,000 from the budget, and use it for another traffic related item.

Peter Partington, Acting City Engineer, stated that resurfacing is funded from the gas tax and it is used for transportation related projects. He continued stating that anything that any transportation related project would qualify. He gave neighborhood enhancements as an example, including medians and ADA ramps. The most worthwhile use would be to enhance the ADA Program.

Vice Mayor Trantalis returned to the meeting at approximately 9:27 p.m.

Commissioner Teel asked if staff had considered reducing this by 10% and using it for the ADA, or was this amount needed for resurfacing. Mr. Partington stated that in the current year he had to take a large chunk of money that would have been used for street resurfacing, and use it for a court mandated ADA Program. He reiterated the City is about one year behind and he felt it would be ill-advised to dip into next year's money, but 10% is not significant. He added that staff is also waiting on the underground work to be completed.

Motion made by Commissioner Teel and seconded by Commissioner Hutchinson to authorize the execution of an agreement with Weekley Asphalt paving, Inc. in the amount of \$829,100 for the 2004/2005 annual asphalt resurfacing contract project.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None

**Contract Extension – Community Bus Program
Downtown Fort Lauderdale Transportation Management Association**

(M-8)

Commissioner Moore reiterated that he refuses to deal with the TMA and will not support this motion.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to authorize the execution of a one-year extension of the City's agreement with the Downtown Fort Lauderdale Transportation Management Association to operate the City's Community Bus Program, and approval of an hourly rate increase to \$50, effective February 7, 2005. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioner Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.

**Dockage Lease Agreement Searock, Inc.
Fiscal Year 2004-2005**

(M-13)

Commissioner Teel believed there are only two price points that need discussion. She continued, stating that the rate for boat dockage had gone from \$.46.6 per lineal foot to \$.48 based on the \$.03 Consumer Price Index. She felt to increase it by only 3% is not enough. She suggested that it should be raised to \$.50. She felt this demonstrates how the City is not keeping pace. She stated that those that are \$.80 per foot and proposed to be raised to \$.82.4 should be raised to \$.85.

Motion made by Commissioner Teel and seconded by Commissioner Hutchinson to authorize the proper City Officials to execute a lease agreement for \$.50 per foot.

Commissioner Hutchinson stated that there was a lot of discussion about this matter at her pre-agenda meeting as it related to the increase in taxes of 11%, and only a \$.02 raise in regard to City dockage. She asked what is comparable across the state regarding municipal dockage. This slaps at the residents who are taking an 11% increase in their taxes.

Jamie Hart, Supervisor of Marine Facilities, explained that the commercial dockage in the City is unique because they could only facilitate the type of tour and charter boats that are visible on the New River, and it is hard to make a comparison either locally or state wide. Due to the condition of the downtown development projects adjacent to many of these vessels, along with the state of the economy, the Marine Advisory Board concurred that anything more than a Consumer Price Index raise would be hard for the owners.

Commissioner Hutchinson reiterated that these boats have no where else to go; they like the City dockage. She realized there are issues regarding development along the New River, but she could not do the "straight face test" to her constituents and all residents in the city that their taxes went up 11%, but party boats would only go up \$.02. She stated that she would not support Items 13 through 18.

Commissioner Moore asked what would be a fair amount to charge. He asked if 11% across the board would be acceptable. Commissioner Hutchinson agreed.

Motion made by Commissioner Moore to authorize the proper City Officials to execute the dockage lease agreements at a 11% increase for Item Nos. M-13, M-14, M-15, M-16, M-17 and M-18.

Vice Mayor Trantalis asked if the Marine Advisory Board had made a recommendation regarding these agreements.

Mr. Hart replied that due to the hurricane he had to postpone the meeting and a quorum had not been present. He reiterated that there had been a unanimous consensus of the individuals who had been present which consisted of seven board members, who favored a 3% increase.

Mayor Naugle stated that there are two different classifications involved in this dockage proposal. One set of leases is for charter boats, and one lease for boats for sale from a brokerage located downtown who leases docks from the City. The boats for sale constantly have individuals working on them. The dockage being provided relates to jobs being brought into the community.

Mr. Hart stated that the boats are there for maintenance and storage only, and not for charter or tour boats. With regard to M-13, the boats are basically shuffled in and out. The remaining items deal mainly with charter and tour boats.

Chuck Adams, Redevelopment Services/Marine Facilities, stated that a \$.50 increase for Allied Marine would mean 7.3%.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, and Mayor Naugle. NAYS: Commissioners Moore and Hutchinson.

Dockage Lease Agreement & Sightseeing & Charter Operations –Oyster Trading of Fort Lauderdale, LLC – Fiscal Year 2004-2005 (M-18)

Motion made by Commissioner Moore and second by Commissioner Hutchinson to authorize the proper City Officials to execute the dockage lease agreements at a 11% increase regarding Item Nos. M-14, M-15, M-16, M-17 and M-18. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Interlocal Agreement – Broward Sheriff's Office Dispatch Services (M-22)

Commissioner Moore stated that he had pulled this item, and asked how much it cost each year to have dispatch service provided under this contract.

Vice Mayor Trantalis stated that at his pre-agenda meeting, they had not discussed price but were concerned about the level of service. He stated there have been nothing but complaints as to how long it takes BSO to respond. He asked if staff has examined the level of service in comparison to their level of expectation.

Bruce Roberts, Chief of Police, stated that representatives from BSO who operate the communications center are available to answer questions. He explained that they meet quarterly with an oversight committee to discuss issues regarding problems with communications. He further stated that Gloria Frederick is quick to respond when problems are brought to her attention.

Vice Mayor Trantalis stated that the point is the City would be locking themselves into another 5 years, and if these are not just individual disciplinary issues, but built into the system, there could be a continuation of horror stories. He asked if the individuals who had called in complaints had been brought together to discuss the level of service, and asked what was being done regarding response to such complaints. He felt this is very important.

Chief Roberts agreed that this is an important issue, and stated that they performed according to the City's policies and procedures, not the Sheriff's Office procedures. The problems appear to be with the call takers when first taking the information on the complaint. He reiterated that sometimes lack of information and rudeness is translated into the dispatch system, and then to the officer on the street. He stated that each case was addressed as directly as possible.

Gloria Frederick, Sheriff's Office Site Manager, stated that they have built-in factors to evaluate customer service, which include the law enforcement road patrol. She further stated they do what is termed quality assurance, and they police themselves as well. She stated that for the amount of calls for service that a municipality of this size, totaling over 80,000, and for measuring a productive service, their margin of error is less than 5%.

Commissioner Hutchinson left the meeting at approximately 9:45 p.m.

Ms. Frederick stated that each complaint is addressed immediately. Regarding quality assurance, she explained that each month they assess over 50 calls, including fire-rescue. Whenever there is a problem, they educate first and take disciplinary action second.

Vice Mayor Trantalis stated the margin of error comes out to about 30,000 mistakes. Ms. Frederick remarked those mistakes were not made by one operator and there could be other extenuating circumstances. It could be system wide and it could pertain to equipment problems, as well.

Mayor Naugle stated that the City has the right to terminate the agreement every year on July 1st. If the City decides to raise taxes and provide this service, it could be done in any given year. Ms. Frederick confirmed.

Nancy DeZoba, Public Safety Communications Manager, agreed that the City could give 30 days notice if they felt that the BSO was in breach of the contract. BSO has to follow the City's policies and procedures set by Police Chief Roberts, who has the final say as to how the communications center is operated.

Mayor Naugle stated that during the storm he visited the center, and he felt they are doing a great job.

Commissioner Moore asked about the information he had requested.

Ms. DeZoba explained that the City is presently paying for some of the equipment which was specified in the contract, such as chairs and desks. They paid about \$50,000 per year, and maintenance on all CAT equipment and radios which totals about \$175,000.

Commissioner Moore asked if they pay pension costs. Ms. DeZoba replied no. She stated that the attachment regarding the pension is what the Sheriff's Office paid as part of the employer's cost, and then the employees who switched over to the BSO who decided to stay in the City's pension plan instead of the State pension fund pay a percentage as they do now. Commissioner Moore further asked if the additional monies discussed tonight, were placed into the pension plan would it benefit such employees. She believed it would benefit the employees left in the program.

Commissioner Hutchinson returned to the meeting at approximately 9:48 p.m.

Commissioner Moore asked if any of the employees are in the DROP Plan. Ms. Dzoba stated not at this time.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to authorize the proper City Officials to execute an interlocal agreement with the Broward Sheriff's Office to provide dispatch services to the City for a period of five years, effective October 1, 2004.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Transfer of Law Enforcement Confiscated Property Fund - \$478,245 (M-25)
Four School Resource Officers

Commissioner Hutchinson asked if this is going to cost the General Fund any money.

Bruce Roberts, Chief of Police, stated that it would not cost the City any money and explained that this comes from the Law Enforcement Trust Fund. He added that the \$48,000 was not reflected in the Commission's backup.

Commissioner Hutchinson stated that this has been discussed as a possible General Fund issue, and she asked for an explanation about the Confiscated Fund.

Chief Roberts explained that the Confiscated Fund is monies awarded to the Police Department from court rulings, confiscated property or cash. It does not cost the taxpayers any money. Four of the six resource officers are funded from the Trust Fund.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Hutchinson to authorize the appropriation and transfer of \$478,245 from the Law Enforcement Confiscated Property Fund to various accounts to fund four school resource officers, Fiscal Year 2004-2005.

Commissioner Moore asked if the City does not use these funds for such a purpose would the money be used for such officers remaining in middle and high schools.

Chief Roberts explained they only have six left and they were placed in three high schools and three middle schools. Four of the six are funded from this Trust Fund, and two from the General Fund. The officers have been pulled from the elementary schools as a result of the last budget.

Commissioner Moore asked if the monies coming from this fund, which is State funded, could be redirected to take care of the cost of middle school and high school resource officers.

Mayor Naugle stated it had been explained that is what the fund is being used for. Chief Roberts confirmed. Commissioner Moore asked how the elementary school officers would be funded. Chief Roberts stated they would be funded from the General Fund budget in the upcoming year, along with some other positions that may be filled.

Commissioner Teel referred to the elementary school officers and stated they are helping students get home when they are sick and their parents are not available. She felt it is too much expertise for an elementary school. She remarked that this is feedback from parents.

Chief Roberts replied they have been hearing the desire to have officers in the elementary schools. They serve as role models, instruct some courses, and mentor. The objective is to start with children at a young age so they would not encounter those children in the streets at a later date.

Commissioner Moore asked about what the Federal money is paying for. Chief Roberts stated the money is coming from the Law Enforcement Trust Fund. Commissioner Moore clarified further that this would pay for officers in the middle and high schools. Chief Roberts confirmed. Commissioner Moore further stated that the additional officers discussed in the budget are proposed from the General Fund to pay for school resource officers in elementary schools. Chief Roberts explained that one of the proposals was that they be fully staffed and implement the program the City previously had in the elementary schools. However, he reiterated that this would not be done next year.

The City Manager clarified that the six (new) positions (in the Police Department budget) are not for this program. Chief Roberts confirmed.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioner Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.

Budget Amendment 9 – Fiscal Year 2003/2004

(M-28)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Budget Amendment 9 to the Fiscal Year 2003-2004 Budget. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Fire Rescue Facilities Bond Education Program**(M-29)**

Commissioner Moore stated that he had pulled this item, and reiterated that he had wanted to discuss this at the Conference Meeting. He appreciated the information explaining how the monies are to be spent and what they are establishing as a Commission regarding this bond issue. He does not believe this is the appropriate time to do this, and he felt they are in danger of the bond not passing. He liked that a dollar amount is being used to educate the community, but preferred the City roll it into a program where they would do all public safety in one issuance. Otherwise, he will not support any educational process. He believed that until the City addresses the impact of the tax increase and show the public that they are addressing public safety matters in an appropriate way, it will give them a better chance of selling the bond for the Fire Department, the Police Department, and the safety of the individuals around the Wingate site.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to authorize the previously approved expenditure of \$70,000 to supplement previously approved expenditure of \$45,000, authorizing engagement of J. Blake MacDiarmid, Strategic media, Message & Mail for \$15,000, and approve carry over from fiscal year 2004 to fiscal year 2005 of \$70,000.

Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioner Hutchinson and Mayor Naugle. NAYS: Commissioner Moore.

Proprietary – Tree Inventory Asset Database Software**(Pur-2)**

Vice Mayor Trantalis stated that he had pulled this item because he was not sure why they are taking pictures of every tree in the City, knowing that the pictures could be obsolete quickly. He stated that he would prefer to spend the money on new tree plantings. He asked what was the purpose of this procedure and how long would the information be valuable.

Phil Thornburg, Acting Parks and Recreation Director, stated that the information would be valuable as they continually update the inventory.

Commissioner Moore asked how many staff would be involved in this project. Mr. Thornburg explained that the initial TPSing and GISing of the trees would be covered under a grant, which they had already applied for. He added that no additional staff would be needed to implement the program.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Trantalis to approve an agreement to purchase tree inventory asset database software. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

MOTIONS

Settlement of Workers Compensation File WC-93-7552
Kenneth Collins**(M-30)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the settlement of this case as presented. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Park Impact Fees for La Preserve Planned Unit Development
La Preserve LLC – Cases 2-ZPUD-02 & 23-P-02**(M-31)**

Motion allowing the conveyance of public park in conjunction with the Georgian Oaks Planned Unit Development to also apply to the required park impact fees for La Preserve Planned Unit Development.

Mayor Naugle announced that this item had been deleted from the agenda by the City Attorney due to the documents not being completed.

The City Attorney stated that there was a request to defer until October 5, 2004 at 6:00 p.m.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter until October 5, 2004 at 6:00 p.m. Roll call showed: YEAS: Commissioners Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Exception to Housing Program Guidelines
Replacement Housing Program – Mable Jackson**(M-32)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to grant an exception to the Housing Program Guidelines authorizing participation in the Replacement Housing Program with respect to Mable Jackson and authorizing the proper City Officials to execute all documents necessary for the transaction. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Proposed Expansion of First Baptist Church
415 East Broward Boulevard – Request to set Public Hearing
& Refer to Development Review Committee; Case 34-R-04**(M-33)**

Motion to approve City Commission request for review of proposed expansion of the First Baptist Church of Fort Lauderdale to be heard at the November 16, 2004 Commission meeting and refer the case back to Development Review Committee.

Mayor Naugle announced that this item had been deferred.

**Proposed Settlement of Special Master Lien
1132 NW 2 Street; Case CE03-06137-SM**

(M-34)

Motion to reject settlement offer by GMAC Mortgage Corporation relating to lien imposed by the Special Master for 1132 NW 2 Street.

Motion made by Commissioner Moore and seconded by Commissioner Teel to reject the settlement offer by GMAC Mortgage Corporation relating to a lien imposed by the Special Master for 1132 NW 2 Street.

Stewart Smith, attorney for the lender/owner of the property, stated that this concerns an \$80,000 fine accrued over time in connection with trash removal and public nuisance matters. He explained the public nuisance matters have been cured, and the City has been reimbursed for the out-of-pocket expenses in the amount of \$2,000. He further stated that this property had been sifted out of a series of frauds crafted by Mr. Kratenstein. The initial lender was HUD who had dropped the ball, and then reconveyed the property to GMAC, the current lender. He believed that on September 9, 2004, the City had initiated a foreclosure on this property. He explained that GMAC is asking the City to reduce the lien because it has not been in their possession until recently. He stated the conditions that had been the basis for the fines were committed by the prior owner. The current owner has cured the problems and is willing to pay a fine.

Commissioner Moore asked what amount the owner is willing to pay toward the fines. Mr. Smith stated that he did not have an exact figure and reiterated that the matter had just been placed in foreclosure. He reiterated they would be willing to pay all legal costs associated with referring the matter to outside counsel.

The City Attorney wanted to clarify some of the facts because not all of them had been presented correctly. He continued stating that GMAC owned the property well after Kratenstein had been gone from the scene, and had a mortgage on the property. He explained that GMAC had been notified of the Special Master hearings, but they did not attend, and subsequently, they transferred the property to HUD. When the foreclosure action began, notice was provided both to HUD and GMAC, and HUD transferred the property back to GMAC. Staff discussed a settlement with GMAC, and an offer had been made and that is why it was placed on the agenda.

Commissioner Moore asked what was the offer. Mr. Smith replied it is for \$20,000. Vice Mayor Trantalis stated that on September 4, 2003, the property was in violation and they had been given a week to correct but had not done so. Then, on October 16, 2003, the \$100 per day fine was imposed.

Mr. Smith stated that eventually the existing problems were corrected, and the nuisance fees incurred by the City reimbursed to them. Vice Mayor Trantalis asked for a clarification of "nuisance fees." Mr. Smith explained that the matters causing the fine were cured.

Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

PUBLIC HEARINGS

Use of 2004-2006 Local Law Enforcement Block Grant Funds**(PH-1)**

A public hearing to receive public input on use of Local Law Enforcement Block Grant Funds.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson authorizing and appropriating the \$144,569 Local Law Enforcement Block Grant Budget for October 1, 2004 through September 30, 2006; authorizing the transfer of \$14,457 from the City General Fund as cash match to Grant Account GLLEBGO6 effective October 1, 2004; authorizing acceptance of the Local Law Enforcement Block Grant via the electronic Department of Justice Grants Management System account. Roll call showed: YEAS: Commissioners Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Historic Designation of the Tiffany House (Escape Hotel) -
2900 Riomar Street – Broward Trust for Historic Preservation –
Case 13-H-04****(PH-2)**

A public hearing to consider Historic Preservation Board recommendation concerning historic designation of Tiffany House (Escape Hotel).

Mayor Naugle stated that this item has been deferred.

**WaterWorks 2011 Sewer Connection Program
Program Amendment to 2002-2003 Annual Action Plan****(PH-3)**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the 2003 Annual Action Plan Program Amendment. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

ORDINANCES

Board of Adjustment Meeting Procedures

(O-1)

Notice was published September 11, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO.C-04-49

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-33.6, RESPECTING MEETING TIMES AND DATES AND SETTING PROCEDURES FOR SETTING SPECIAL AND RESCHEDULED MEETINGS OF THE BOARD OF ADJUSTMENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Code Enforcement; Reasonable Time to Correct Alleged Violations

(O-2)

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-50

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 11, CODE ENFORCEMENT, SECTION 11-10, ENFORCEMENT PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING A QUALIFIER TO THE PHRASE "REASONABLE TIME," AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Commissioner Moore thanked the Code Advisory Committee for sticking to the task. He stated that this has been accomplished and they have a few more to go.

Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Rezoning; 1750 East Sunrise Boulevard
Case 2-ZR-04****(O-3)**

At the Planning and Zoning Board regular meeting of June 16, 2004, the Board recommended by an 8-0 vote that the following application be approved. Notice of public hearing was published on August 27 and September 3, 2004.

Applicant: Bank Atlantic
Request: Rezone from RMM-25 to CB with allocation of Commercial Flexibility and Site Plan Approval
Location: 1750 East Sunrise Boulevard

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-43

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "RMM-25" TO "CB", INCLUDING THE ALLOCATION OF FLEXIBILITY UNITS AND SITE PLAN APPROVAL, LOT 4 AND THE NORTH 28 FEET OF LOT 5, LOT 21 AND THE NORTH 28 FEET OF LOT 20, BLOCK 232, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WITH COMMERCIAL FLEXIBILITY BEING ALLOCATED TO SAID LOT 4 AND THE NORTH 28 FEET OF SAID LOT 5, LOCATED BETWEEN NORTHEAST 17TH WY AND VICTORIA PARK ROAD, 135 FEET MORE OR LESS SOUTH OF SUNRISE BOULEVARD IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH REZONED LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Amendment to Comprehensive Plan, Future Land Use Plan Map -
301 NW 66 Street – Employment Center to Office Park – Case 6-T-03****(O-4)**

Notice was published August 29, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-46

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 1989 FORT LAUDERDALE COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM "EMPLOYMENT CENTER" LAND USE TO "OFFICE PARK" LAND USE OF PARCEL A, "PALMDALE PLAT," AS RECORDED IN PLAT BOOK 112, PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF MCNAB ROAD, NORTH OF N.W. 55TH STREET AND EAST OF INTERSTATE 95 IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND REQUESTING THE BROWARD COUNTY PLANNING COUNCIL TO RECERTIFY THE AMENDMENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Vacation of Right-of-Way – SW 14 Way, Kenilworth Place;
Case 1-P-03

(O-5)

Notice was published August 27 and September 3, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-45

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF SOUTHWEST 14TH WAY (KENILWORTH PLACE), AS SHOWN ON THE PLAT OF "RIVER HIGHLANDS," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING NORTHWESTERLY OF A LINE PERPENDICULAR TO THE NORTHEASTERLY LINE OF LOT 2, OF BLOCK , OF SAID "RIVER HIGHLANDS," SAID LINE RUNNING FROM THE EASTERNMOST CORNER OF SAID LOT 2 AND RUNNING NORTHEASTERLY TO INTERSECT THE SOUTHWESTERLY LINE OF BLOCK 3, OF SAID RIVER HIGHLANDS, LOCATED NORTHWESTERLY OF THE INTERSECTION OF SOUTHWEST 2ND COURT SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Rezoning; 737 North Andrews Avenue -
Case 1-ZPUD-04****(O-6)**

At the Planning and Zoning Board regular meeting of July 21, 2004, the Board recommended by a 7-0 vote that the following application be approved. Notice of public hearing was published on August 27 and September 3, 2004.

Applicant: Progresso Lofts, LLC and Maison Saint-Antoine, LLC
Request: Rezone from B-2 and RMM-25 to PUD
Location: 737 North Andrews Avenue

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-44

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM "B-2" AND "RMM-25" TO PLANNED UNIT DEVELOPMENT ("PUD"), LOTS 1 THROUGH 10, TOGETHER WITH LOTS 39 THROUGH 48, BLOCK 286, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED SOUTH OF NORTHWEST 8TH STREET, BETWEEN ANDREWS AVENUE AND NORTHWEST 1ST AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; APPROVING A DEVELOPMENT PLAN; ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, DENSITY, LOT SIZE, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING; AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH REZONED LANDS.

Which ordinance was read by title only.

Vice Mayor Trantalis stated that he wanted to commend the developer who continued to be a pioneer in reclaiming areas which have been neglected in the City.

Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

2004/2005 Water & Sewer & Stormwater Rate Increase**(O-7)**

Notice was published August 29, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-47

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTIONS 28-76, 28-141, 28-143, 28-144, 28-145 AND 28-197 THEREOF, TO INCREASE WASTEWATER USER RATES, TAPPING CHARGES, WATER RATES, SPRINKLING METER CHARGES, PRIVATE FIRE SERVICE PROTECTION CHARGES AND STORMWATER MANAGEMENT PROGRAM RATES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioner Moore and Mayor Naugle. NAYS: Commissioner Hutchinson.

Parking Meters – Update**(O-8)**

Notice was published August 29, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-48

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO PARKING; AMENDING SECTION 26-111 "NOTICE ON ILLEGALLY PARKED VEHICLE", SECTION 26-112 "FAILURE TO COMPLY WITH NOTICE ATTACHED TO PARKED VEHICLES," SECTION 26-127 "PARKING NOT TO OBSTRUCT TRAFFIC," SECTION 26-134 "PARKING FOR CERTAIN PURPOSES PROHIBITED," AND SECTION 26-161 "RATES AND HOURS FOR ON AND OFF-STREET PARKING."

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Garage, Yard and Other Occasional Sales**(O-9)**

Notice was published September 11, 2004.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to defer this item to October 5, 2004, at 6:00 p.m. Roll call showed: YEAS: Commissioner Teel,

Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Occupational License Tax Increase

(O-10)

Notice was published September 11, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-51

AN ORDINANCE AMENDING CHAPTER 15, LICENSE, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE II, OCCUPATIONAL LICENSE TAX, SECTION 15-57, AMOUNT OF TAX TO BE PAID, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING AN INCREASE IN THE AMOUNT OF LICENSE TAX; DELETING MOOT PROVISIONS; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Rental Cars with Chauffeurs & Sightseeing Vehicles

(O-11)

Notice was published September 11, 2004.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-52

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 27, VEHICLES FOR HIRE, ARTICLE V, RENTAL CARS WITH CHAUFFEURS AND SIGHTSEEING VEHICLES, DIVISION 2, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, SECTION 27-192, APPLICATION; INFORMATION TO BE SHOWN; FEE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING A LIMIT ON THE NUMBER OF CERTIFICATES ISSUED, PROVIDING A MECHANISM TO INCREASE THAT LIMIT WHEN NECESSARY, PROVIDING AN APPLICATION PROCESS BY WHICH CERTIFICATES SHALL BE REQUESTED, PROVIDING MINIMUM REQUIREMENTS FOR APPLICANTS, PROVIDING A PROCESS FOR STAFF REVIEW OF EACH APPLICATION RECEIVED, PROVIDING FOR REVIEW OF APPLICATIONS BY THE COMMUNITY SERVICE BOARD, PROVIDING A SCHEDULE FOR REVIEW BY THE COMMUNITY SERVICES

BOARD, DELETING MOOT PROVISIONS, AND PROVIDING FOR
SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE
PROVISIONS, AND AN EFFECTIVE DATE.

Which ordinance was read by title only.

Lorraine Wild stated that in reading the ordinance, it was not clear to her how the licenses would be issued, and what criteria would be followed to issue such licenses.

Lori Milano, Director of Community Inspections, stated that the applications would be received and forwarded to the Community Services Board for their ranking and recommendation. Then, such recommendations would be brought to the City Commission for their vote.

Commissioner Moore clarified that it would be done through an open public process.

Ms. Wild explained that she had a contract with Broward County to operate an airport service in Broward, Palm Beach, and Miami-Dade counties, and she did not understand how this ordinance would affect her contract.

Commissioner Moore stated that the Commission does not have any indication how the ordinance would impact her contract.

Mayor Naugle suggested that she meet with staff for further clarification.

Commissioner Moore suggested that Ms. Wild make the Advisory Board aware of her contract, along with any stipulations contained in it.

Ms. Wild proceeded to read from the Broward County ordinance as follows:

“All the vehicles that operate within Broward County must be licensed by Broward County.”

Ms. Wild asked if the City would issue a separate license. Mayor Naugle confirmed. Ms. Wild asked if the City is proposing that licenses be issued just to operate within the City of Fort Lauderdale, or would they also be required to have a Broward County permit.

The City Attorney clarified that this ordinance would require individuals who picked up passengers in the City of Fort Lauderdale to have a City of Fort Lauderdale license. He further stated that the fact that they have a Broward County license will not help them at all, except with dropping off passengers. He explained that Ms. Wild could pick up passengers anywhere in Broward County and drop them off in Fort Lauderdale, but could not pick them up in Fort Lauderdale unless she has a City license. The Commission has requested information be provided at the next hearing concerning a grandfather provision. If the Commission adds a grandfather provision in the ordinance, then anyone in the tri-county area who currently has a license from any other city would be able to pick up passengers, but he did not know how many vehicles that involves. He continued stating that if the Commission stays with the ordinance the way it is, there would be a cap of 125 until more units are added. He further stated that Ms. Milano would report at the next meeting as to how many additional companies the grandfathering clause would add.

Ms. Milano stated that if the cap was raised from 100 to 125 that would allow for 36 additional vehicles for hire and certificates of public convenience and necessity to be issued. In respect to the grandfathering clause, she stated it is like attempting to line up apples and oranges. There are difficulties due to how things are classified in the various cities and counties. Staff found out from Broward County that they have a classification called "Vehicles for Hire". They have issued 595 occupational licenses; there is no cap on the number of licenses issued. She further stated Palm Beach County also has a classification called "Vehicles for Hire" which includes vans and trucks. There are a total of \$1,549. There was some disparity and they lumped them all into the one classification. They do not have a cap on the number issued. She stated that Miami-Dade County has a total of 229 licenses and the classification is Motor Vehicles Services. She stated there are other licenses for vans and limousines. She stated that the common factor is that no limit is set.

Ms. Wild stated that she was on the Miami-Dade Task Force for Vehicles for Hire and the Broward County Task Force for Vehicles for Hire, and there are limits for luxury sedans. In Broward County there were about 376 permits issued. She explained there are no limits on vans or luxury stretch limousines. In Miami-Dade there is a limit on luxury sedans and there were about 400 licenses issued. She stated there are no limits. It is a PMC which is a permit applied for vans. There are also luxury limousine permits. She stated that Palm Beach County does not have a limit.

Roll call showed: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Mayor Naugle stated that he hoped there would be a recommendation from staff at the second reading in regard to how the grandfathering clause would be handled.

Pay Plan Amendment

(O-12)

Commissioner Moore asked of the individuals that were being proposed for the promotions were any in the DROP Plan.

Otis Latin, Chief of Fire-Rescue, stated that none had been proposed, but he does have some individuals in mind. Most of the division chiefs are in the DROP Plan and that is the group from which he would be selecting.

Commissioner Moore asked if there would be increases in salaries and he asked about the DROP Plan. Chief Latin explained that the employee would receive an assignment (pay) while in the position. Employees in the DROP Plan have salaries and pensions already set. During the period of time in which the employee served in the position, he or she would get an increase for performing a duty, but it would not roll into their pension.

Commissioner Moore stated that there would be two new positions. He asked if they were presently in the DROP Plan. Chief Latin explained that he could select from battalion and division; it just depends upon whom he selects.

Commissioner Moore asked if promotions had ever been given to individuals in DROP Plans. Chief Latin replied yes. Commissioner Moore asked the same question of Chief Roberts regarding the Police Department.

Bruce Roberts, Chief of Police, was not sure without checking the records.

Commissioner Teel stated that in the back-up, it stated: "Therefore, it has no budget impact." She further stated a new document was distributed that stated: "No long term budget impact due to a current vacancy and future plans discussed." She asked what the budget impact would be.

Chief Latin stated that the present Deputy Chief is in the DROP Plan, and he would be leaving in 2005. Since that person would still be in the position, there would be some impact, but it would be covered in salary savings. He stated that amount would be about \$75,000 for the balance of the year.

Commissioner Moore introduced the following ordinance:

ORDINANCE NO. C-04-53

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE ADDITION OF AN ASSIGNMENT PAY IN SPECIAL PAY PRACTICES, SCHEDULE I; AND AMENDING SECTION 20-74, ASSIGNMENT PAY OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO IMPLEMENT THIS ASSIGNMENT PAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

RESOLUTIONS

**Site Plan for Strand Towers 1 & 2, Las Olas Riverfront -
300 SW 1st Avenue Las Olas Riverfront Associates Limited
Partnership; Case 88-R-04**

(R-1)

Mayor Naugle announced that this item had been deferred.

**Vacation of Easements – Storm Drainage & Water Main
& Sanitary Sewers – Stanley R. Gumberg, Jr.;
Case 5-M-03 – Coral Ridge Mall, 3200 North Federal Highway**

(R-2)

A resolution authorizing the vacation of a portion of a water main and sanitary sewers easement and storm drainage easement in Coral Ridge Galt Addition No. 2.

The City Attorney stated that staff is requesting this item be deferred.

Marc LaFerrier, Planning and Zoning Director, stated staff is asking for this item to be pulled indefinitely because additional review is needed.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item indefinitely. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Vacation of Utility Easement – 712 NE 3rd Avenue
Flagler Junction – Bamboo Flats, LLC & FRAM Flagler
One, Inc. - Case 6-M-04**

(R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THE UTILITY EASEMENT RETAINED BY THE CITY OF FORT LAUDERDALE ORDINANCE NO. C-87-65, VACATING THE 15 FOOT ALLEY IN BLOCK 290, "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED BETWEEN NORTHEAST 8TH STREET AND NORTHEAST 7TH STREET, BETWEEN NORTHEAST 3RD AVENUE AND NORTHEAST 4TH AVENUE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Vacation of Utility Easement – 520 SE 5th Avenue
Smith Property Holdings New River Village, LLC;
Case 17-M-02**

(R-4)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THE UTILITY EASEMENT IN PARCEL "B", "800 TRUST," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 37, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING ADJACENT TO THE NORTH LINE OF SAID PARCEL "B," LOCATED WEST OF FEDERAL HIGHWAY, 150 FEET MORE OR LESS, NORTH OF SOUTHEAST 6TH STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

2004/2005 Central Wastewater Region Large User Rate Increase

(R-5)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SET A RATE OF \$0.76 PER 1,000 GALLONS, DURING FISCAL YEAR 2004/2005, FOR ALL LARGE USER WASTEWATER CUSTOMERS OF THE CENTRAL WASTEWATER REGION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Code Enforcement Liens & Other Municipal Liens that
Encumber Property Owned by City or Northwest Neighborhood
Improvement District**

(R-6)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, DELEGATING TO
THE CITY MANAGER THE AUTHORITY TO SETTLE AND
RELEASE CERTAIN CODE ENFORCEMENT LIENS
AND OTHER MUNICIPAL LIENS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel,
Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS:
None.

Special Election – November 2, 2004

(R-7)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, CALLING A SPECIAL
ELECTION TO BE HELD IN THE CITY OF FORT LAUDERDALE
ON NOVEMBER 2, 2004 FOR THE PURPOSE OF SUBMITTING
TO THE ELECTORS OF THE CITY OF FORT LAUDERDALE
FOR THEIR APPROVAL OR DISAPPROVAL THE PROPOSAL
TO AMEND THE CHARTER OF THE CITY OF FORT LAUDERDALE
TO PROVIDE FOR THE CITY COMMISSION'S APPOINTMENT
OF COMMISSION ASSISTANTS; TO PROVIDE FOR APPOINTMENT
OF A CITY AUDITOR REPORTING DIRECTLY TO THE
CITY COMMISSION; TO REQUIRE THAT ANY CONVEYANCE
OF CITY-OWNED LAND ZONED PARK OR REMOVAL OF
SUCH ZONING DESIGNATION BE APPROVED BY UNANIMOUS
VOTE OF THE CITY COMMISSION AND TO CONSIDER
WHETHER THE CITY SHALL ISSUE GENERAL OBLIGATION
BONDS NOT EXCEEDING \$40,000,000 MATURING WITHIN
THIRTY YEARS BEARING INTEREST NOT EXCEEDING
THE MAXIMUM LEGAL INTEREST RATE, PAYABLE FROM
AD VALOREM TAXES LEVIED BY THE CITY TO PAY FOR
FIRE RESCUE FACILITIES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel,
Vice Mayor Trantalis, Commissioner Hutchinson and Mayor Naugle. NAYS:
Commissioner Moore.

**Amendment to Note on Brickell Redevelopment Plat
Las Olas Riverfront Associates, LP
300 S.W. 1 Avenue; Case 11-P-04**

(R-8)

A resolution expressing no objection to an amendment to note on Brickell Redevelopment Plat, subject to payment of a park impact fee of \$159,390.

Mayor Naugle announced that this item had been deferred.

**Site Plan for Sidewalk Café – 219 South Fort Lauderdale
Beach Boulevard - Beach Bums – Swiss Beach Holdings, Inc.
Case 100-R-04**

(R-9)

Steve Osber, Swiss Beach Holdings, Inc., stated they are seeking approval for a sidewalk café. The Planning and Zoning approved this item 7-1, subject to final DRC approval. The café would consist of 9 tables and 34 seats.

Joseph Hessmann stated that when Atlantis spilled out onto the sidewalks, streets, and parking lots and took over the beach, they had smothered all the efforts put forth to clean the area up. Things had improved, and now everything is back the way it was. The disc jockey for the club promoted trash that is not acceptable. He stated that had conducted a survey regarding the establishment, and no one was in favor of it. He further stated that Mr. Osber had stated that they are attempting to attract a higher clientele and had spent a lot of money to upgrade the club. He reiterated that the same clientele are patronizing the club. There are still code violations on the books, and the residents continually have to call the police. He asked if Mr. Kent is still involved with this property. He stated that on A1A girls are dancing on the tables and inappropriate remarks are being made by the disc jockey, and he was sure this is not what the Commission or anyone else want for the area. He urged the Commission to vote no on this application.

Vice Mayor Trantalis disclosed that he had been to the site, and during the day the tables and chairs were consistent with other establishments in the area. He had repeatedly heard from citizens the same remarks made by Mr. Hessmann. He does not object to tables on the sidewalk, but he did object to the activities taking place indoors spilling out onto the sidewalk.

Mr. Osber stated that they had given the Commissioner a tour of the premises. There is a back patio which is no longer open. The DJ is inside the club, and outside the club is only a dining area under a fixed patio. There is no dancing on the table tops. There is a bar area adjacent to the dining area where people congregate. He further stated that he was not aware of any police incidents recently.

Vice Mayor Trantalis reiterated that at his pre-agenda meeting, various individuals who live on the beach had made comments regarding this establishment. He stated there appears to be consistent testimony about the place. He reiterated that there is a problem there, and the situation is not being policed. He explained that the City is trying to maintain the beach front as a family oriented environment. He did not think what is taking place on the sidewalk is conducive to a family oriented environment. The laws have to be enforced, otherwise he could not support this application.

Mr. Osber stated that off-duty officers are at the establishment on weekends. Vice Mayor Trantalis reiterated that he is referring to supervisory personnel who would ensure that the proper activities are taking place, and inappropriate activity discouraged.

Kelly Wilson, Director of Operations, stated that she had taken over less than one month ago, and was aware of what had taken place at the site. It is a continuous effort on her part to make sure that inappropriate behavior does not take place. She reiterated that they have greater plans for the club; to change it for the betterment of the community. It is a matter of time. She stated that obtaining approval for outdoor tables would determine where they would go with the club.

Vice Mayor Trantalis asked if they could grant a provisional authorization for the tables to see if the promise to change their operation would take place. The City Attorney stated that it is all or nothing. He explained the applicant either meets the qualifications or not. He stated the reason it was not granted last time was because they had usurped the right prior to the time the City had given it to them. It now appears they are being good citizens and keeping the tables in line. He reiterated that there are noise regulations that the City could enforce. Vice Mayor Trantalis asked if they were granted permission for tables on the sidewalk, but the problems continue, how fast could the City compel them to remove the tables. The City Attorney stated that if the violations did not relate to the tables on the sidewalk, they would have to be related to something else, and could then be enforced. If they are to be a sidewalk café and they have the tables, they could continue keeping the tables outside.

Commissioner Hutchinson asked if dancing on the tables is happening, what could be done about. The City Attorney stated that such activity could not be done, and if it did happen, the City could arrest the individuals on the tables.

Mr. Osber stated that these would be café tables on the sidewalk. He stated there are stories and there are stories. They have complied with everything in regard to the sidewalk café permit. They have paid off all outstanding liens and are being a good citizen. They want to move forward with a new concept for the club. Club Atlantis is gone and this club is moving towards a better clientele. He explained that the inside would be a club, and the outside would be for dining.

Ms. Wilson stated that there would be a name change down the road, and a tentative name might be Ocean City. She explained it would be more of a Swing/Big Band type of club. She stated that she has not personally seen anyone dancing on the tables, but she is familiar with the club's past history.

Commissioner Moore asked if the same owner is involved with the property.

Mr. Osber explained that Mr. Kent still retains the lease for the property. The lease is between Mr. Kent, Mr. Toomey and Swiss Beach Holdings until 2015, but there was a negotiation involving the new restaurant concept. He stated that Mr. Kent would be the leaseholder, but there would be an assignment of the lease to a new business.

Vice Mayor Trantalis suggested the Commission defer this matter pending execution of the lease.

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to table this item pending execution of the lease.

Commissioner Teel stated that conditions had been proposed by staff if this item was approved by the Commission. She proceeded to read condition #3 as follows:

“All outside music, loudspeakers, amplifiers, and microphones are prohibited in the outside dining area.”

Mr. Osber explained that had already been done. Commissioner Teel stated that in going by the club, she noticed the sliding doors were open, and the noise was not being restricted from spilling out onto the sidewalk. This is not in her district, but she is receiving complaints from residents. She further stated that the noise is drowning out conversations in the area. She suggested that the doors possibly be closed.

Mayor Naugle asked when this comes back, does the Vice-Mayor want to see an application for the new business, Ocean City, including the conditions proposed by staff. Vice Mayor Trantalis stated that would be the appropriate time to make a decision. He stated they are attempting to make good faith representations, but the Commission does not know if they would follow through with them.

Commissioner Moore appreciated everything being done change the image.

Mr. Osber asked if they could be given a chance to get this done as soon as possible. He suggested it be deferred for 30 days. If they are not where they want to be at that time, the item could again be deferred.

The motion now read as follows:

Motion made by Vice Mayor Trantalis and seconded by Commissioner Moore to table this item until October 19, 2004. Roll call showed: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

**Faith Farm/Powerline Plat Modification – Faith Farm Ministries
801 & 807 NW 19 Street**

(R-10)

A resolution expressing no objection to a change in the condition of the Faith Farm/Powerline Plat to maintain the existing 40' opening serving 807 N.W. 19 Street and support a non-vehicular access line on the remainder of the south line of the plat.

Commissioner Moore stated that this property is being replatted, and the County is taking away 50% of their accessibility from NW 19th Street. This is an area that could be developed. He asked that this matter be deferred until October 19, 2004, so additional information could be received. He has no indication as to why these actions are taking place. He remarked that this is on a need-to-know basis.

Motion made by Commissioner Moore and seconded by Vice Mayor Trantalis to defer this item until October 19, 2004. Roll call showed: YEAS: Commissioner Teel, Vice-

Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Acceptance of Various Instruments of Conveyance

(R-11)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, ACCEPTING, UPON TERMS
AND CONDITIONS, CERTAIN INSTRUMENTS OF CONVEYANCE
MORE PARTICULARLY DESCRIBED BELOW.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

Holiday Park Plaza Right-of-Way Conveyance
Northeast Corner of Sunrise Boulevard & NW 15 Avenue

(R-12)

A resolution accepting two corrective deeds of conveyance and expressly disaffirming acceptance of previously recorded instruments and releasing any claim the City may have under the erroneous deeds for Holiday Park Plaza.

Vice Mayor Trantalis stated that there is an error in the address; it should read NE 15 Avenue.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter until October 5, 2004. Roll call showed: YEAS: Commissioner Teel, Vice-Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: none.

Advisory Board/Committee Appointments

(OB)

The City Clerk announced the appointees/reappointees who are the subjects of this resolution:

Budget Advisory Board

Curtis Barry
Mark Dozier
Shane Gunderson
Elizabeth Hernandez
Gary Johnson
William Nielson
Michael McFarland
Delores McKinley
Don Winsett

Charter Revision Board

Susan Trainer

Community Services Board

Jennie Brooks
John Hurley
Mike Kimmey
Robert Pascal
Gregory Smith

Marine Advisory Board

John H. Baker

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 04-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD
MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO
AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Teel, Vice Mayor Trantalis, Commissioners Moore and Hutchinson, and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 10:50 PM.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk